



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Probate Jurisdiction

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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 Jurisdiction

Private Acts of 1981 Chapter 98

SECTION 1. The Judge of the General Sessions Court of Unicoi County is hereby vested with jurisdiction over the probate of wills and the administration of estates, and all matters relating thereto, previously vested in the County Court, the County Judge or County Chairman, and the Chancery Court. However, to assist the Judge of the General Sessions Court, the County Court Clerk 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 surviving spouse and family of the deceased, preside over the assignment of homestead, direct and approve final distributions, and hear and determine all probate matters whether herein enumerated or not. Subject to the approval of the General Sessions Judge, such clerk may also take and state all accounts and settlements. The Judge of the General Sessions Court shall hear all probates in solemn form and may hear such other probate matters as he may deem proper. All action taken by the County Court Clerk shall be subject to review by the Judge of the General Sessions Court by simple motion, petition, or the filing of exceptions as may be appropriate.

SECTION 2. The Circuit Court for Unicoi County shall hear all appeals from the decisions of the Judge of the General Sessions Court.

SECTION 3. The procedure, rules of practice and laws governing the administration of estates in probate shall be the same as are now in effect, except where expressly changed by this Act.

SECTION 4.

(a) All probate matters and the administration of any estate pending in any other court in Unicoi such matter as if it had originated in such court.

(b) Upon approval of this Act by the county legislative body, all records and other documents relating to a probate matter or the administration of an estate in Unicoi County, except those records and documents that relate to a pending case, shall be transferred to the General Sessions Court of Unicoi County.

SECTION 5. This Act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the county legislative body of Unicoi County before January 1, 1982. Its approval or nonapproval shall be proclaimed by the presiding officer of the Unicoi county legislative body and certified by him to the Secretary of State.

SECTION 6. For the purpose 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 thirty (30) days after being approved as provided in Section 5. Passed: April 20, 1981

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