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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,

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](http://www.ctas.tennessee.edu)

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# Probate Court

## Private Acts of 1982 Chapter 374

**SECTION 1.** Effective ten (10) days after this Act has been approved by the county legislative body, exclusive jurisdiction in all matters relating to the probate of wills and the administration of estates and related matters in Rhea County heretofore vested in the Chancery Court or other courts shall be vested in the General Sessions Court of Rhea County.

**SECTION 2.** All probate matters pending in the court or courts exercising probate jurisdiction in Rhea County prior to the effective date of this act, except those matters which have been heard and taken under advisement, shall be transferred to the Rhea County General Sessions Court at the close of business on the day preceding the day this Act becomes effective. On such date, all official books, records and other documents pertaining to a probate matter in Rhea County shall be delivered to the general sessions court and the chancery court or other court exercising probate jurisdiction in Rhea County shall be divested of such jurisdiction.

**SECTION 3.** The Rhea County clerk shall serve as the clerk of the General Sessions Court in all matters relating to its probate jurisdiction. The county clerk in Rhea County 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, preside over proceedings for the elective share pursuant to Tennessee Code Annotated, Section 31-603, take and state all accounts and settlements, direct and approve all final distributions, and hear and determine all probate matters, whether herein enumerated or not. All accounts, settlements and final orders of distribution shall be made subject to the approval of the General Sessions Judge. The General Sessions Judge shall hear all probates in solemn form and may hear such other probate matters as he deems proper. All action taken by the county clerk shall be subject to review by the General Sessions Judge by simple motion, petition, or the filing of exceptions as may be appropriate.

**SECTION 4.** Except as provided in Section 2, by the close of business on the day preceding the day this Act takes effect, the Clerk and Master of Rhea County shall deliver all official books, records and other documents pertaining to a probate matter in such county to the Rhea County Clerk and on such date the clerk and master shall be divested of any power and authority pertaining to a probate matter in such county.

**SECTION 5.** The Rhea County clerk shall keep separate records, dockets, minute books and rule dockets for all probate matters within the jurisdiction of the General Sessions Court.

**SECTION 6.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Rhea County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Rhea County legislative body and certified by him to the Secretary of State.

**SECTION 7.** 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 take effect upon being approved as provided in Section 6 unless another date is specified by this Act.

Passed: April 8, 1982.

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