

PEPPEL, GRICE & PALAZZOLO, P.C.

ATTORNEYS AND COUNSELLORS
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1913 - 2003
BARBARA D. MacINTOSH
(Retired)

CLIENT'S GUIDE TO OPENING AN ESTATE IN PROBATE COURT- SHELBY COUNTY, TENNESSEE

I. EMERGENCY ISSUES

1. Burial/ Funeral expenses?
 - a. If you need access to bank accounts/safe deposit box, an emergency motion for access to funds may be necessary.
2. Minor children?
 - a. If minor children, consider temporary and permanent guardianships.
3. Real property?
 - a. Any relatives currently living in property owned by the Decedent? If so, need to consider the disposition of the property.
 - b. Any mortgages or other liens owed on real and personal property (i.e. house, cars, etc.)? If so, would need to contact lienholders as soon as possible to notify of death. Also, need to find the value of the mortgage and, possibly, get an appraisal of the house.

II. FIRST STEPS IN ASSISTING PROBATE ATTORNEY IN OPENING AN ESTATE

1. Start a list of all property and debt owned and owed by the decedent (and spouse), or as many as you can think of.
2. Look for any important documents, such as wills, trust agreements, etc.
3. If you do not know where you start, a tax return provides a great start in your search for assets of the decedent.¹

III. COSTS ASSOCIATED WITH ADMINISTRATION

1. Court costs- \$99.50 (cost of filing + one (1) copy of Letter of Administration)
2. Bond premium²- approximately \$125.00
3. Attorney's Fees

¹ The attorney can get prior tax returns from the Internal Revenue Service if you are unable to locate any.

² This cost could be avoided if all heirs/beneficiaries sign a Waiver of Bond and agree to the filing.

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CLIENT QUESTIONNAIRE- SMALL ESTATE ³

PART I - PERSONAL DATA

NAME of DECEASED: _____
Alias Names (if any): _____
Street Address: _____
City, State: _____ Zip Code: _____
Date of Birth: _____ Date of Death: _____
Place of Birth: _____
Social Security Number: _____
Was Decedent a U.S. citizen? Yes: _____ No: _____
If naturalized U.S. citizen, Date and Place of Naturalization: _____
Medical history/Diagnosis: _____
Did the Decedent have a Will? Yes: _____ No: _____

NAME of PROPOSED ADMINISTRATOR: _____
Street Address: _____
City and State: _____ Zip Code: _____
Home #: _____ Cell #: _____
Work #: _____ Fax #: _____
Social Security Number: _____ E-mail: _____
Date of Birth: _____
Relationship to Deceased: _____
Owe debt to Deceased? _____
Convicted of any felonies or crimes involving dishonesty? _____
Filed bankruptcy? If so, when? _____
Name of Employer: _____ Position: _____
Emergency Contact: Name: _____ Telephone Number: _____
Address: _____
Will all of the heirs agree to your filing a Small Estate Affidavit or Muniment of Title?
Yes: _____ No: _____

PART II - BENEFICIARIES or HEIRS AT LAW

NAME of DECEASED'S SPOUSE: _____
Street Address: _____
City and State: _____ Zip Code: _____

³ A small estate is defined as "the estate of a decedent in which the value of the property does not exceed fifty thousand dollars (\$50,000)." This amount DOES NOT include real property.

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Home #: _____ Cell #: _____
Work #: _____ Fax #: _____
E-mail: _____ Pgr #: _____
Date of Birth: _____
Social Security Number: _____
Date and place of marriage: _____
Status of Spouse: ____ Living ____ Deceased ____ Under Conservatorship

CHILDREN'S INFORMATION:

| Name | Living | Age | Birthdate | Minor ⁴ | Address |
|-------|--------|------|-----------|--------------------|---------|
| _____ | Yes/No | ____ | _____ | Yes/No | _____ |
| _____ | Yes/No | ____ | _____ | Yes/No | _____ |
| _____ | Yes/No | ____ | _____ | Yes/No | _____ |
| _____ | Yes/No | ____ | _____ | Yes/No | _____ |
| _____ | Yes/No | ____ | _____ | Yes/No | _____ |
| _____ | Yes/No | ____ | _____ | Yes/No | _____ |

For each child, state the name of the child's other parent, if not decedent's surviving spouse or partner. _____

How were you referred to our firm? _____

⁴ A minor child is one who is under the age of 18.

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PART III- ASSETS OF THE ESTATE

Please list the values of the decedent's assets, if known.

| | Address/Account Number/Name of Holding Institution | Value | Is Asset Co-Owned |
|----------------------------------|---|--------------|--------------------------|
| Real Estate: Home | | | Yes No |
| Real Estate: Other | | | Yes No |
| Stocks/Bonds/Mutual Funds | | | Yes No |
| Checking Account | | | Yes No |
| Savings Account | | | Yes No |
| CDs/Money Market | | | Yes No |
| IRAs and 401k/403(b) | | | Yes No |
| Vehicles | | | Yes No |
| Household furniture | | | Yes No |
| Life insurance | | | Yes No |
| Prepaid burial and funeral plans | | | Yes No |
| Firearms/Art/Gold | | | Yes No |
| TOTAL VALUE | | | |

***** Note that if the value of all property, not including real estate, exceeds \$50,000, then a Small Estate Affidavit may not be an option. Please discuss in more detail with the attorney.**

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PART IV- DEBTS OF THE ESTATE

Please list the values of the decedent's debt, if known.

| Name of Creditor | Account No. | Amount Owed | Secured/Unsecured | Have you contacted them/they contacted you? | |
|------------------|-------------|-------------|-------------------|---|----|
| | | | | Yes | No |
| | | | | Yes | No |
| | | | | Yes | No |
| | | | | Yes | No |
| | | | | Yes | No |
| | | | | Yes | No |
| | | | | Yes | No |
| | | | | Yes | No |
| | | | | Yes | No |
| | | | | Yes | No |

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PART V- DETAILS OF REAL PROPERTY OWNED

| REAL PROPERTY | | | | | |
|----------------------|-----------------------------|---------------|------------------------------|-----------|--|
| Address | Mortgage Amount Owed | Owners | Do you have the deed? | | |
| | | | Yes | No | |
| | | | Yes | No | |
| | | | Yes | No | |
| | | | Yes | No | |
| | | | Yes | No | |