

Loudon County Probate Court / Steve Harrelson, Clerk
12680 Highway 11 West, Ste. 3, Lenoir City, TN 37771
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General Email: loudoncountyt@tncourts.gov

Loudon County Probate Pro-Se matters are by appointment only to ensure adequate time for the specific needs of each individual estate. Our policies have changed due to the recent pandemic and our on-going endeavor to limit in-person contact to help prevent further spread of illness. Please do not call for an Appointment. We ask that you gather all the documents listed below, and drop off (or mail) to the General Sessions, Juvenile, & Probate Court Clerk's window located inside the Loudon County Justice Center. Please make sure your name and phone number are listed with the documents. Once the packet has been approved by the Judge, the Clerk will contact you for an appointment to come in, sign and receive your Probate packet. Please allow up to three weeks to receive a call from the Clerk. This is subject to change as per the changes of the Judge's schedules and/or dockets. The appointment will take less than 45 minutes. Your court filing fees are not due until you come in for the scheduled appointment. Filing Fees will be confirmed to you by the Clerk when the appointment is made. You may pay by cash, check or debit/credit card. Please note, if you use a debit/credit card, this is a 3rd party source and will be charged an additional 3% card processing fee.

Loudon County Probate Court Rules:

1. Any Estate in which the assets are valued at One Million (\$1,000,000.00) dollars or over must be filed by an Attorney.
2. Any Estate in which the Last Will and Testament contains the language regarding a "Trust", whether a Trust has been established or not, must be filed by an Attorney.
3. Any Last Will and Testament presented to the Court that appears to be a copy, not properly sworn to or signed, does not have the proper attestations, appears to have been written on/scribbled on/altered must be filed by an Attorney.
4. Any Estate having heirs of the Decedent whom are in conflict, disagreement, estranged, unable to locate or contesting the Last Will and Testament must be filed by an Attorney.
5. Any Estate that may be insolvent (not enough monies in the estate to pay the debts) must be filed by an Attorney.
6. A Local Attorney listing can be provided at your request.

The Clerks have been given limited authority to assist you in your Pro Se Probate matters. We are not attorneys and cannot give legal advice as to the practice of law. We encourage you, to consult with an attorney for your legal questions and/or needs.

For Security Measures: Upon entry to the Loudon County Justice Center, the Loudon County Sheriff's Dept. requires you to leave your purses, handbags, briefcases, cell phones/all electronic devices locked up in your vehicle. You may bring in your paper documents, checkbook/wallet for payment of court fees. If Loudon County Probate Court is closed due to weather or unforeseen events the day of your appointment, you will be contacted to reschedule your appointment as soon as possible.

Distribution of Bequests/Inheritance:

It is important to know, that Executors/Administrators do not have the legal authority to distribute/sell/dispose of any of the estate asset(s) or sign a contract for sale of real property until they have been properly appointed by the Probate Court and have received Letters Testamentary/Administration. Failure to comply can result in the individual being held legally liable for the value of the asset(s).

In accordance with TCA §30-2-306 (Notice to Creditors-see page one; creditors have four months from the first date of publication to file a claim against the estate, or it is forever barred); all bequests of inheritance should be withheld until this period has expired; unless approved for distribution by court order signed by the Probate Judge. (*In estates that become insolvent: ie: in probate law, the insufficiency of the entire property and assets of an individual to pay his/her debts;* Personalty (personal assets) is first subjected to payment of debts, (*example: the estate does not have the cash funds to pay debts, and the personal property including items of inheritance must be sold to pay debts*) even if listed as a bequest of inheritance; if the personal estate has been wasted or destroyed by the executor/administrator, he and his sureties are liable to the creditors; *it may be necessary "with the assistance of an attorney" to Petition the Court for the Sale of Real Property in accordance with TCA §30-2-402 to pay the debts of the decedent. Before making a decree for the sale of lands, it shall be made to appear to the satisfaction of the court that the personal estate has been exhausted in the payment of bona fide debts, and that the debts or demands for which the sale is sought are justly due and owing either to the creditors or to the personal representative for advances out of the personal representative's own means to pay just demands against the estate- TCA §30-2-404*). All uncontested claims and all contested claims which have been finally adjudged and allowed shall be paid by the Personal Representative as soon as practicable but not in any event to exceed ninety (90) days after the expiration of five months after the date of notice to creditors. Upon the payment of all uncontested claims and upon provision being made for expenses of administration, obligations on account of taxes and assessments which have not been settled, claims not due an undetermined contested claims, together with costs and expenses of litigation, the Personal Representative shall pay any balance to the distributes or legatees entitled thereto, unless granted additional time by the court, or by the terms of the instrument under which the Personal Representative is acting, and thereafter, when all legal liabilities have been paid, the balance remaining has been delivered to those entitled thereto or paid to the state to be handled in accordance with the provisions of Title 66, Chapter 29, Part 1, relating to unclaimed property or administered as in TCA §30-2-402; provided that in the event of insolvency, the Personal Representative shall make and file with the Court a final settlement of the estate. There is a specific procedure to follow for distributes who cannot be located, or infants, or persons under other disabilities, please seek the assistance of an attorney for these circumstances.

There are 2 kinds of Estates the Clerk can assist Pro-Se Litigants with:

Full Estate (With or Without a Will): This includes any Estate where real property is owned or no real property is owned, but the Estate assets are over \$50,000.00.

Small Estate (With or Without a Will): This includes any Estate where there are assets \$50,000.00 or less. In a Small Estate, the Deceased can “jointly” own real property that would pass to the joint owner, but the assets are \$50,000.00 or less.

There are ‘some times’ when Probate is not necessary. If the only asset left by the Deceased is a vehicle, camper or mobile home (has wheels), you may possibly complete a Tennessee Department of Revenue Affidavit of Inheritance Form at the County Court Clerk’s office (fees will apply), Form can be located at: <https://www.tn.gov/content/dam/tn/revenue/documents/forms/titlereg/f1310501Fill-in.pdf>

Please provide the following documents to the Probate Court to begin the Pro-Se Probate process:

PROBATE WITH OR WITHOUT A LAST WILL AND TESTAMENT AND SMALL ESTATE AFFIDAVITS:

1. The Original Last Will and Testament, Codicils or Handwritten documents to be a part of the Last Will and Testament. Please note: The Court **will keep** the Original Will and you will be given back certified copies. This applies to Probate with Will and Small Estate Affidavits.
2. The Deceased’s Original Certified copy of the Death Certificate (blue border/red seal).
3. The Deceased’s Spouse’s (if also deceased) of the Death Certificate (a copy is acceptable).
4. A copy of the Marriage Certificate of the Deceased and the Living Spouse.
5. If real property is individually/jointly owned, a copy of the Property Assessor’s tax information sheet even if out of county or state. You may obtain Loudon County’s from: loudoncountyassessor.org.
6. A copy of bank statements or other financial documents (stocks, bonds, money markets, CD’s or investments) that were individually in the Deceased’s name only. A Small Estate Affidavit will require identifying account numbers. Anything jointly owned has a beneficiary or POD (payable upon death) is not probated.
7. A listing of all other tangible assets including but not limited to vehicles (any/all with wheels), farm/lawn equipment, tools, household furnishings. Please place a value of the asset next to the item.
8. A list of all heirs with Names and current addresses. Please list their kinship to the Deceased (spouse, daughter, son, grandchild, niece, nephew, sister, brother, etc). Make sure to leave a contact phone number for the Executor/Administrator.
9. A Declination document is required in some Estates with a Will or Small Estate Affidavits and always required in Estates without a Will. A Declination is a sworn-notarized document allowing one or more persons to serve as the Executor/Administrator/Personal Representative. This document is available from the Clerk upon request. If all parties do not agree and submit a Declination, you must hire an Attorney.
10. All Executors or Administrators, and “Co” (if more than one person is serving) must attend the scheduled appointment at the same time.
11. Do not leave a check or cash for filing fees with your documents. The filing fees will be collected at the scheduled appointment. Filing Fee amounts will be confirmed to you by the Clerk when appt. made.

12. Please arrive no later than 5 minutes before your appointment, check in at the General Sessions Court window upon arrival. If you are unable to keep the appointment, please call at least 24 hours prior (unless an emergency arises) to cancel or reset.