

**Loudon County Probate Court**  
**Steve Harrelson, Clerk**  
**12680 Highway 11 West, Suite 3, Lenoir City, TN 37771**  
**Telephone: (865) 986-3505**

Probate matters are by appointment only to ensure adequate time for the specific needs of each individual estate. We apologize for this inconvenience; however, we strive for eminence for your probate needs during this difficult time. Due to the recent pandemic, we have extended our policy regarding appointments for Probate. This policy will ensure that all parties have less in-person contact to help prevent further spread of illness. We ask that you gather all the documents listed below, and drop off at the General Sessions, Juvenile & Probate Court Clerk's window located inside the Loudon County Justice Center. Please leave name and phone number for the Probate Clerk to call you when the documents are ready for your signature. This will take 7 to 10 business days to process. An appointment will be made for your appearance to sign all Probate Documents. In most cases, you will leave the same day with your Letters Testamentary, ready to begin your Fiduciary duties. The appointment will take less than 45 minutes. Thank you for your patience during this time as we all do our part to put an end to this pandemic.

**PROBATE-SMALL ESTATE AFFIDAVIT (Jurisdictional Limit of \$50,000 with NO 'individually' owned real estate)**

Any Estate where the Last Will and Testament contains language regarding a "Trust"; (or) You only have a "copy" of the Last Will and Testament--not the Original; (or) the Original Last Will and Testament has been written on/scribbled on/alterd; (or) if all heirs are not in agreement to serve together as Administrators; (or) an heir refuses to sign a Declination for their non-service; (or) if the heirs of the Decedent are in conflict with one another, or contesting, etc; (or) If an estate is insolvent (not enough monies in the estate to pay all debts) **YOU MUST BE REPRESENTED BY AN ATTORNEY ONLY**, the Probate Court Clerks cannot proceed *Pro Se*-(without an attorney) for these matters. Declination forms can be requested from the Clerk.

Petitioner, Please bring the following at time of appointment: **\*\*Loudon County Probate Court Rules\*\***

1. Original Last Will and Testament (*not a copy*). Please note: the Court will Keep the Original Will and you will be given certified copies back.
2. Original Certified copy (blue border with red seal) of Death Certificate on Deceased (and a copy of their spouse's death certificate if also deceased).
3. Copy of Marriage Certificate IF their spouse is still living.
4. List of all heirs with their current complete addresses, phone number and relationship to decedent. IF there is a surviving spouse and/or children, a Notarized Declination is required, allowing the Petitioner to apply for a Small Estate, or all heirs must appear for the appointment. Declination forms can be requested from the Clerk. Any Estate not having the Declinations at the time of the appointment will be rescheduled to another date/time.
5. List of all assets owned by the Decedent at the time of death, ie: all personal property (vehicles, recreational vehicles, farm or lawn equipment, tools, household furnishings), any bank accounts (checking/savings), stocks, bonds, money markets, investments or CD's and real estate; bring the property assessor's tax information sheet for the real estate. You may obtain from [loudoncountyassessor.org](http://loudoncountyassessor.org) The Probate documents require the total value of the Decedent's estate belongings at the time of his/her death.
6. List of all debts including funeral expenses if unpaid (Name of creditor, address and balance amount) owed by the Deceased.
7. Filing Fee Base Cost of \$243.50 due at time of appointment. You may incur additional costs due at closing of estate. You may pay by check or cash. If paying by credit/debit card, an additional 3% fee will be added for processing of the card. Please do not leave check/cash with documents you drop off. Court filing fees will be collected at the time of the appointment with the Clerk. Additional fees must be paid before the estate can close.

Please arrive no later than five (5) minutes before your appointment; and check in at the General Sessions Court Office Window upon arrival. If you are unable to keep the appointment, please call at least 24 hours prior (unless an emergency arises) to the scheduled appointment time to cancel or reset. This will allow Probate Court to serve others whom may be waiting for an appointment. Thank you for your cooperation. Contact(s): Robyn Shannon ([Robyn.Shannon@tncourts.gov](mailto:Robyn.Shannon@tncourts.gov)) or Penny Glasgow ([Penny.Glasgow@tncourts.gov](mailto:Penny.Glasgow@tncourts.gov)) or (865) 986-3505 (Press 8)

Please Note: Due to Security measures, Loudon County Sheriff's Department requires you please leave your purses, handbags, briefcases, cell phones and all electronic devices in your car locked up. You may bring in your checkbook or wallet for payment of court fees. If Loudon County Probate Court is closed due to weather or unforeseen events the day of your appointment, we will contact you to reschedule your appointment as soon as possible.

# Tenn. Code Ann. § 45-2-708

TENNESSEE CODE ANNOTATED  
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## [TN - Tennessee Code Annotated](#) [Title 45 Banks And Financial Institutions](#) [Chapter 2 Banking Institutions](#) [Part 7 Deposits in Banks](#)

### **Payment when no executor or administrator qualifies**

(a) (1) Notwithstanding § 30-2-317, where no executor or administrator of a deceased depositor has qualified and given notice of the person's qualifications to the bank, the bank may, in its discretion, and at any time after thirty (30) days from the death of the depositor, pay out of all accounts, maintained with it by the depositor in an individual capacity, all sums that do not exceed fifteen thousand dollars (\$15,000) in the aggregate: (A) To the executor named in any will known to the bank; or (B) In the absence of knowledge of a purported will naming a surviving executor to: (i) A creditor for expenses of the funeral; (ii) A creditor for the expenses of the last illness; (iii) The surviving spouse; and (iv) The next of kin. (2) In the case of conflicting claims, the order of priority shall be that set out in subdivision (a)(1)(B). (b) The receipt of any guardian, administrator or executor, duly appointed or qualified by the courts of this state, or any other state, acknowledging the payment or transfer of funds, standing in the name of the person whose estate the fiduciary represents, in the form of deposits in banking institutions, shall be a good and sufficient acquittance for payment or transfer and shall constitute a valid defense in favor of the banks against the demands or claims of all parties. (c) No bank shall be liable for damages, penalty or tax by reason of any payment made pursuant to this section.

### **Tenn. Code Ann. § 45-2-711**

### **Payment and negotiation of check when no estate has been opened or the estate has been closed**

(a) (1) Notwithstanding § 30-2-317, where no executor or administrator of a decedent has qualified and given notice of the person's qualifications to the bank, or where the qualified executor or administrator of a decedent has been discharged and a check or checks made payable to the decedent or the decedent's estate is presented to the bank for payment or collection, the bank may, in its discretion, and at any time after ninety (90) days from the death of the deceased, negotiate or send for collection and pay out the proceeds of one (1) or more checks made payable to the decedent or the decedent's estate, whether written or electronic, all sums that do not exceed ten thousand dollars (\$10,000) in the aggregate: (A) To the executor named in any will known to the bank whether probated or not; (B) To any personal representative appointed by a court whether active or discharged; or (C) In the absence of knowledge of a purported will naming a surviving executor or an administrator to the: (i) Surviving spouse; or (ii) Next of kin. (2) In the case of conflicting claims, the order of priority shall be that set out in subdivision (a)(1). (b) The receipt of any guardian, administrator or executor, duly appointed or qualified by the courts of this state, or any other state, or of any spouse or next of kin acknowledging the negotiation, payment or transfer of funds of a check, standing in the name of the person whose estate the fiduciary represents, shall be a good and sufficient acquittance for payment or transfer and shall constitute a valid defense in favor of the bank against the demands or claims of all parties. (c) The negotiation or payment of a check under this section without an endorsement of the payee or with the endorsement of a person authorized by this section to negotiate the check shall not be a violation of or give rise to any claim under title 47, chapter 3 or 4. (d) No bank shall be liable for damages, penalty or tax by reason of any payment made pursuant to this section.