





## INSTRUCTIONS FOR SMALL ESTATES ACT AFFIDAVIT

**"Small Estate" means that the value of the personal property  
does not exceed \$25,000.00  
You cannot transfer title to real estate by a SMALL ESTATE**

- A SMALL ESTATE cannot be opened until 45 days from date of death.
- Complete the **SMALL ESTATES ACT AFFIDAVIT** and bring it with you to court along with a copy of the death certificate. **DO NOT SIGN THE AFFIDAVIT**. If you need help, we will try to help you as best we can without giving legal advice.
- If the Decedent left a last will, you are required to bring the **original** to be deposited without probate with the Clerk to support the Affidavit. A \$5.00 fee is required to file the unprobated, original will. A **copy** of the original will will be attached to the SMALL ESTATES ACT AFFIDAVIT.
- Court Costs for the SMALL ESTATES AFFIDAVIT is \$140.50 (plus \$5 if will is presented).
- If the will excuses bond or if all other heirs sign a waiver of bond, no bond will be required.
- If bond is required, it is the amount of the value of personal property. Bonds can be obtained through Sharits Real Estate (423-272-7108) or Nationwide Insurance (423-272-2100). The cost of the bond depends on the value of the small estate and should be approximately \$100.00.

Probate Court: Hawkins County Courthouse  
100 E. Main Street, Suite 316  
Rogersville, TN 37857

If you have any questions, please feel free to call us at **423-272-8150**.