

SENATE BILL 937

By Southerland

AN ACT to amend Tennessee Code Annotated, Title 30,
Chapter 4, relative to administration of estates.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 30-4-103(1)(A)(i), is amended by deleting the subdivision and substituting instead the following language:

(i) Whether or not a decedent left a will, and if so, the original shall be presented to the court for examination by the clerk. The original will has not been proven and therefore shall not be recorded. A copy of the original will shall be filed to support the affidavit but shall not be attached as an exhibit;

SECTION 2. Tennessee Code Annotated, Section 30-4-103(2), is amended by deleting the subdivision and substituting instead the following language:

(2) The court shall receive and file the original affidavit as a part of the court's permanent records, shall assign it a number, and shall index it as other estates are indexed. The clerk shall deliver to the affiant as many verified copies of the affidavit as are requested. An affidavit may be amended to the extent that the aggregate amount does not exceed the statutory limitation.

SECTION 3. Tennessee Code Annotated, Section 30-4-103(3), is amended by deleting the subdivision and substituting instead the following language:

(3) The clerk shall send a verified copy of the affidavit to the commissioner of revenue.

SECTION 4. Tennessee Code Annotated, Section 30-4-103(5), is amended by deleting the subdivision and substituting instead the following language:

(5) The affiant shall make bond payable to the state for the benefit of those entitled with two (2) or more sufficient sureties or one (1) corporate surety. The amount of the bond shall equal the value of the decedent's estate to be administered under this chapter. However, bond shall not be required of the affiant if § 30-1-201 would not require such from a personal representative.

SECTION 5. Tennessee Code Annotated, Section 30-4-103(6)(A), is amended by deleting the subdivision and substituting instead the following language:

(A) The affiant and the sureties on the affiant's bond shall be automatically discharged on the first anniversary of the filing of the affidavit; or

SECTION 6. This act shall take effect July 1, 2013, the public welfare requiring it.