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Probate Court

Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Probate Court

Private Acts of 1965 Chapter 229

SECTION 1. That there is hereby created a court, effective July 1, 1965, for Putnam County, Tennessee, having probate jurisdiction coextensive with the boundary lines of said county, and to be known as the Probate Court of Putnam County, Tennessee.

SECTION 2. That the Judge of the General Sessions Court of Putnam County, Tennessee, upon his being elected and qualified as Judge of the General Sessions Court shall also be Judge of the Probate Court of Putnam County, Tennessee, and the present General Sessions Judge of Putnam County, Tennessee, shall be and is hereby designated to serve as such Probate Judge until his successor is duly elected and qualified under the terms and provisions of this Act.

SECTION 3. That the terms of the Probate Court of Putnam County shall be monthly, commencing on the First Monday of each calendar month. Process shall be returnable on the first Monday in each calendar month if served more than five (5) days before the said first Monday, but when served less than five (5) days before said first Monday, then on the first Monday of the next succeeding month.

SECTION 4. That the Probate Court of Putnam County, Tennessee, shall have and exercise all the jurisdiction of the County Court in all matters relating to wills; administration of decedents' estates, including the sale of decedents' land for payment of debts; qualification of guardians; partition of land cases, both by sale and in kind; the affairs of minors, incompetents, and others laboring under a disability. Said Probate court shall also have concurrent powers and jurisdiction with the Chancery Court in all suits and matters pertaining to the sale of property of persons under disability as set out and provided in Chapter 6, Title 34 of Tennessee Code Annotated and shall have concurrent powers and jurisdiction with the Chancery Court relative to removal of minority proceedings. His jurisdiction shall also include that exercised by the County Judge before the passage of this Act in all nonsupport cases. The County Judge of Putnam County upon the creation and establishment of the Probate Court is divested of all common law and statutory jurisdiction in the matters enumerated above, to the end that he (County Judge) shall serve primarily as the fiscal officer and Juvenile Judge of said county, preside over the Quarterly County Court at its regular and special meetings, and exercise all other jurisdiction and powers heretofore vested in him except those for which he has been divested above. When this Act becomes effective, all matters within the jurisdiction divested from the County Court and vested in the Probate Court by this Act pending in the County Court on said date shall be completed by the Probate Court except as otherwise prevented by the general law of this State, the same as if these matters had originated in the Probate Court, and all process in these matters returnable to the County Court shall be returned to the Probate Court. In addition to the powers and duties set out above for such Probate Judge, he may sit by interchange with the Circuit, and Criminal Judges and with the Chancellor, and they with him, in such county.

As amended by: Private Acts of 1967-68, Chapter 156

SECTION 5. The Circuit Court Clerk of Putnam County shall be the Clerk of the Probate Court and all fees received by the Circuit Court Clerk when acting as Clerk of the Probate Court shall continue to be a part of the fees of such Clerk's office. The Circuit Court Clerk is empowered and authorized to employ any necessary deputy clerk or clerks who shall be compensated out of the fees of the office as now provided by law upon making application for such assistance as provided by Tennessee Code Annotated, Title 8, Chapter 20.

As amended by: Private Acts of 2008, Chapter 110

SECTION 6. That said Judge shall receive for his duties as Probate Judge a salary of Fifty Five Hundred Dollars (\$5,500.00) per annum, payable monthly from the county treasury like other county officials are paid, from and after the effective date of this Act, in addition to the salary received by him for his services as General Sessions Judge.

As amended by: Private Acts of 1967-68, Chapter 156

SECTION 7. That the Judge of the Probate Court of Putnam County shall take and subscribe to the same oath provided by law for Circuit Judges and Chancellors and possess the same qualifications.

SECTION 8. That this Act shall be void and of no effect unless the same shall be approved by a two-thirds vote of the Quarterly County Court of Putnam County on or before July 1, 1965. The action of the Quarterly County Court hereon shall be proclaimed by the presiding officer of said county and certified by said officer to the Secretary of State.

SECTION 9. That this Act shall take effect for the purpose of validating the same from and after its passage and for all other purposes on July 1, 1965, the public welfare requiring it.

Passed: March 15, 1965.

Private Acts of 1981 Chapter 63

COMPILER'S NOTE: Only the printed Sections applied to the Probate Court, the other sections applied to the County Executive.

SECTION 3. All judicial powers and duties formerly exercised by the County Judge whether pursuant to general law or private act which were transferred to the Judge of the Probate Court of Putnam County September 1, 1974, shall remain with the Probate Judge and he shall continue to have the authority to hire a secretary to help him carry out the duties imposed upon him, subject to the approval of the Putnam County Board of County Commissioners.

SECTION 6. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Putnam County. Its approval or non-approval shall be proclaimed by the presiding officer and certified to the Secretary of State.

SECTION 7. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 6.

Passed: March 25, 1981.

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