

CHAPTER NO. 507

HOUSE BILL NO. 1604

By Representatives Lewis, Sands

Substituted for: Senate Bill No. 1098

By Senator Cooper

AN ACT to amend Tennessee Code Annotated, Title 32, Chapter 1, relative to deposit of will with probate court.

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

SECTION 1. Tennessee Code Annotated, Section 32-1-112, is amended by deleting the section in its entirety and by substituting instead the following:

Section 32-1-112. Deposit of will with probate court.

(a) With respect to a testator who is living, any will in writing, being enclosed in a sealed wrapper, and having endorsed thereon the name of the testator, the testator's place of residence and the testator's social security number or driver's license number, if any, and the day when, and the person by whom it is delivered, may be deposited by the person making the will, or by any person for the person making the will, with the court exercising probate jurisdiction in the county where the testator lives. With respect to a deceased testator, any will in writing may be deposited by any person with the court exercising probate jurisdiction in the county where the testator lived at the time of his or her death. The proceeding provisions shall apply only if the clerk of such probate court has a secure vault or safe for the safe-keeping of such will. Such court of probate shall receive and safely and securely keep any such will, and give a certificate of the deposit thereof, and for this service shall charge a fee of five dollars (\$5.00).

(b) Such will shall, during the lifetime of the testator, be delivered only to the testator, or to some person authorized by the testator by an order in writing, duly proved by the oath of a subscribing witness. Any such will which is deposited after the death of the testator shall be delivered only to a person named in the will as executor, to a next of kin of the testator, or to any other person so authorized by law or court order.

(c) After the death of the testator and upon submission of a death certificate or other satisfactory evidence of death as determined by the judge exercising probate jurisdiction, the will shall be opened by the court in open session and shall be made public.

(d) After the death of the testator, should jurisdiction of the will for probate belong to any other court, upon request of the executor named therein or any other person interested in its provisions, such will shall be forwarded by certified or registered mail to such other court or delivered to the executor, or to some other trusty person interested in the provisions of the will, to be presented for probate in such other court.

(e)(1) The deposit of a written will as provided by this section shall not constitute a probate of the will nor, if deposited prior to a testator's death, preclude the testator from revoking it, amending it, withdrawing it, or depositing a substitute will, it being the intent and purpose of this section to provide only a place of depository for written wills, a procedure for depositing such wills, and a delivery of such wills for probate upon the death of the testator.

(2) If, after the death of the testator, a later will is discovered which supersedes a will deposited as provided in this section and such will is duly admitted to probate, or if a will deposited as provided in this section is for any other reason invalidated, following the administration of the estate of the testator by or on whose behalf such will is deposited, and the settlement of such estate, upon order by the judge of the probate court wherein the will was deposited, such will shall be destroyed.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 27, 1999


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 17th day of June 1999


DON S. INGVALD, GOVERNOR