



State of Tennessee
PUBLIC CHAPTER NO. 417

SENATE BILL NO. 943

By Southerland, Overbey

Substituted for: House Bill No. 1022

By Hawk, Harrison

AN ACT to amend Tennessee Code Annotated, Title 18; Title 30; Title 31 and Title 32, relative to administration of estates.

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

SECTION 1. Tennessee Code Annotated, Section 18-6-106(a)(2)(A), is amended by deleting the language "62,900" from the list entitled "not less than" and by deleting the language "63,000" from the list entitled "nor more than".

SECTION 2. Tennessee Code Annotated, Title 30, Chapter 2, Part 3, is amended by adding the following new section thereto:

30-2-324.

(a) After notice has been sent to the last known address of the personal representative of the estate, the attorney for the estate and any beneficiaries of the estate, the court may enter an order, without liability to the clerk of the county of administration, dismissing, without prejudice, a probate case if:

(1) No order of disposition has been entered;

(2) The case has been open for a period of time in which disposition could have occurred, but in no event less than eighteen (18) months from the order opening the estate; and

(3) The administration of the estate remains incomplete.

(b) A dismissal pursuant to this section shall only operate to close the administration and not invalidate any previous order of the court in the proceeding.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. Tennessee Code Annotated, Section 31-1-103(b), is amended by deleting subdivision (2) in its entirety and by substituting instead the following language:

(2)(A) Except as provided in subdivision (b)(2)(B), the writing is received by the transferor of the interest, the transferor's legal representative, or the holder of the legal title to the property to which the interest relates, and, if the subject of the disclaimer is realty, is filed in the county register's office and, if the disclaimer involves an interest in a decedent's estate, with the court in which the decedent's estate proceedings are or would be pending not later than the date which is nine (9) months after the later of:

(i) The date on which the transfer creating the interest or power in the person is made; or

(ii) The day on which the person attains age twenty-one (21).

(B)(i) It is the intent of the general assembly that this subdivision (b)(2)(B) conform state law to extend the time period for certain disclaimers as

authorized by the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Pub.L. 111-312).

(ii) In the case of the estate of a decedent dying after December 31, 2009, but before January 1, 2011, the writing is received by the transferor of the interest, the transferor's legal representative, or the holder of the legal title to the property to which the interest relates, and, if the subject of the disclaimer is realty, is filed in the county register's office and, if the disclaimer involves an interest in a decedent's estate, with the court in which the decedent's estate proceedings are or would be pending not later than the later of:

(a) September 17, 2011; or

(b) The date which is nine (9) months after the later of:

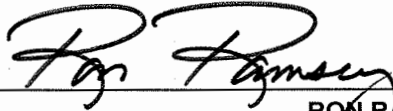
(1) The date on which the transfer creating the interest or power in the person is made; or

(2) The day on which the person attains age twenty-one (21).

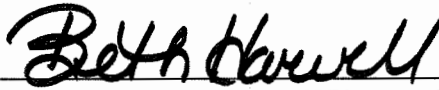
SECTION 5. This act shall take effect July 1, 2011, the public welfare requiring it.

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PASSED: May 21, 2011



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 6 day of June 2011



BILL HASLAM, GOVERNOR