

Determining Heirs at Law

CLERKS PROHIBITED FROM OFFERING LEGAL ADVICE

Pursuant to Local Rule of Practice 23, deputy clerks in the Knox County Chancery Court and Probate Division are “forbidden from interpreting any rules of procedure or giving any legal advice. Notice is hereby given to all persons that Court personnel assume no responsibility for any misinformation regarding substantive law, procedural rules, local rules or local customs.”

This information is provided as a reference and is not intended to be comprehensive.
CONSULT AN ATTORNEY FOR ANY QUESTIONS REGARDING WHO MAY OR MAY NOT BE AN HEIR AT LAW.

Did the Decedent have a SPOUSE that was living at the time the Decedent died?

NO *Proceed to the next question.*

YES **Write the spouse’s name in Part 3A (Intestate Heir Information) of your Petition.**

Did the Decedent have any CHILDREN, GRANDCHILDREN, GREAT GRANDCHILDREN, or GREAT-GREAT GRANDCHILDREN that were living at the time the Decedent died?

NO *Proceed to the next question.*

Write these names in Part 3A (Intestate Heir Information) of your Petition.

(include adopted children, but NOT step-children)

CHILDREN: list only if they were alive when the Decedent died.

YES GRANDCHILDREN: list only if 1) grandchild was alive when the Decedent died; 2) grandchild’s parent was a child of the Decedent; 3) grandchild’s parent died before the Decedent.

GREAT-GRANDCHILDREN: list only if 1) great-grandchild was alive when the Decedent died; 2) great-grandchild’s parent was a child of the Decedent; 3) grandchild’s parent died before the Decedent; 4) great-grandchild’s grandparent died before the Decedent.

If you checked YES for either/both of the above:

Use their information to complete **Part 3A (Intestate Heir Information)** of your Petition.

DO NOT PROCEED TO THE NEXT PAGE.

If you checked NO for both boxes above, continue to the next page. →

CONTACT INFORMATION:

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FORMS:

The forms mentioned in this document can be found on our website:

<https://knoxcounty.org/chancery/>



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Did the Decedent have a PARENT who was living at the time of the Decedent's death?

NO *Proceed to the next question.*

YES **Write the names of the parent or parents who were living at the time of the Decedent's death in Part 3A (Intestate Heir Information) of your Petition.**

DO NOT PROCEED TO THE NEXT QUESTION.

Did the Decedent have any SIBLINGS or DESCENDANTS OF SIBLINGS who were living at the time Decedent died?

NO *Proceed to the next question.*

Write these names in Part 3A (Intestate Heir Information) of your Petition.

SIBLINGS: list only if they were alive when the Decedent died.

YES NIECES/NEPHEWS: list only if 1) niece/nephew was alive when the Decedent died; 2) niece/nephew's parent was a sibling of the Decedent; 3) niece/nephew's parent died before Decedent.

GREAT-NIECES/NEPHEWS: list only if 1) great-niece/nephew was alive when the Decedent died; 2) great-niece/nephew's grandparent was a sibling of the Decedent; 3) great-niece/nephew's parent died before the Decedent; 4) great-niece/nephew's grandparent died before Decedent.

DO NOT PROCEED TO THE NEXT QUESTION.

Did the Decedent have any GRANDPARENTS who were living at the time Decedent died?

The Decedent had at least one MATERNAL (mother's side) grandparent who was living at the time the Decedent died.

The Decedent had at least one PATERNAL (father's side) grandparent who was living at the time the Decedent died.

IF YOU CHECKED BOTH:

Write these names in Part 3A (Intestate Heir Information) of your Petition.

DO NOT PROCEED TO THE NEXT QUESTION.

IF YOU CHECKED ONE:

Write the name(s) of the grandparent(s) who were living at the time of the Decedent's death in Part 3A (Intestate Heir Information) of your Petition.

DO NOT PROCEED TO THE NEXT QUESTION.

IF YOU HAVE NOT CHECKED ANY OF THE BOXES ON EITHER PAGE:

Write these names in Part 3A (Intestate Heir Information) of your Petition.

AUNT/UNCLE: list only if they were alive when the Decedent died AND both parents of the aunt or uncle died before the Decedent died.

COUSIN: list only if 1) cousin was alive when the Decedent died; 2) that cousin's parent was an aunt or uncle of the Decedent but died before the Decedent; and 3) that cousin's grandparents were also grandparents of the Decedent and BOTH grandparents died before the Decedent died.