



**Tennessee  
Department of State**

**Division of Business Services**

**Nonresident Fiduciary Appointment  
Services**

**Secretary of State**

Revised 11/2002

**WHAT IS A NONRESIDENT FIDUCIARY?**

- A nonresident fiduciary is a person who does not reside in Tennessee, or a bank or trust company not authorized to do business in Tennessee, that is appointed by will, deed, trust agreement, court order or otherwise to serve as trustee of a corporate or personal trust, personal representative of an estate, guardian, conservator for an incompetent person, guardian for a minor or in any other fiduciary capacity.

- Only certain types of individuals, banks or trust companies may serve as nonresident fiduciaries. Please consult Tennessee Code Annotated, Section 35-50-107 for a complete listing of qualified persons or entities.

### **WHAT MUST A NONRESIDENT FIDUCIARY FILE WITH THE TENNESSEE SECRETARY OF STATE?**

- A nonresident person, bank or trust company cannot serve in a fiduciary capacity in Tennessee unless and until it has appointed in writing the Tennessee Secretary of State as its agent for service of process. This appointment authorizes the Secretary of State to receive and to forward to the nonresident fiduciary by registered or certified mail all process in any action or proceeding relating to any trust, estate or matter within this State in which the person, bank or trust company is serving as fiduciary.
- The appointment document submitted to the Secretary of State must contain the following items:
  1. The name of the specific trust, estate, or person for which the fiduciary has been appointed;
  2. The name and out-of-state street address (including zip code) of the fiduciary;
  3. A statement clearly designating the Tennessee Secretary of State as agent for service of process;
  4. An original signature of the nonresident person or the representative of the bank or trust company (or a certified copy of the signed appointment document); and
  5. The date the document is signed.
- The appointment document need not be in affidavit form or notarized.
- The appointment document must be accompanied by a filing fee of \$10.00. Please make checks or money orders payable to the Tennessee Secretary of State.
- The appointment document and filing fee should be submitted by mail or in person (no faxes) to the Tennessee Department of State, Division of Business

Services, Nonresident Fiduciary Section (see address and location information below).

- An appointment document received by the Division of Business Services, regardless of the method of delivery, is endorsed upon receipt with a date and time stamp. This date and time become the official filing date and time if the document is accepted for filing.
- An appointment document accepted for filing by the Division of Business Services is microfilmed and information concerning the appointment is entered into the Division's nonresident fiduciary database.
- An appointment document accepted for filing by the Division of Business Services is returned to the submitter. A letter of acknowledgment and a receipt are also provided as documentation of the filing and the receipt of the filing fee.

### **WHERE CAN I OBTAIN AN APPOINTMENT FORM?**

- Form SS-4512 is available at our website at [www.state.tn.us/sos](http://www.state.tn.us/sos), or can be obtained from the Nonresident Fiduciary Unit upon request. However, the use of this form is not mandatory. Any document that meets the statutory requirements will be accepted for filing.

### **COUNTER SERVICE**

Customers may obtain nonresident fiduciary services in person during regular business hours (8:00 a.m. until 4:30 p.m. (CST) Monday - Friday). The Division is located on the 6<sup>th</sup> floor of the William R. Snodgrass Tower, 312 Eighth Avenue North, Nashville, TN.

### **MAILING ADDRESS**

**State of Tennessee  
Department of State  
Division of Business Services  
Nonresident Fiduciary Unit  
312 Eighth Avenue North  
6<sup>th</sup> Floor, Wm. R. Snodgrass Tower  
Nashville, TN 37243**

**TELEPHONE NUMBER**

For other assistance on nonresident fiduciaries, please contact us at:  
**(615) 741-0531**

**E-MAIL ADDRESS**

**Business.Services@state.tn.us**

**FAX NUMBER**

**(615) 741-7310**

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