



The Memphis Full-House Checklist

For anyone holding an empty or inherited house in Memphis and Shelby County that they haven't been able to face.

Most people stuck on a house like this aren't stuck on the house. **They're stuck on what's still inside it.** The furniture. The papers. The things someone treasured. And usually there's a second weight: the paperwork nobody explained, and the family members who said they'd help and then didn't. If you've caught yourself thinking "I've been avoiding this," you're describing the normal experience, not a personal failure.

This checklist covers the things that actually matter: who legally holds the house, the clocks that start running after a death, what an empty house quietly costs every month in Memphis, and three real ways to handle the contents (one of which requires no cleanout at all).

1 First, who owns it? Probate in Shelby County

Estates in Shelby County go through Probate Court, at 140 Adams Avenue, Room 124, Memphis, TN 38103. The Clerk's office is open Monday to Friday, 8:00 am to 4:30 pm, at (901) 222-3750. The Clerk's website has the forms and the current fee schedule.

Letters, in plain words. If the person left a will, the court issues "letters testamentary" to the executor. If there was no will, it issues "letters of administration" to an administrator. Those letters are the paper that lets someone act for the estate. The court filing fee to open either kind of estate is **\$341.50** on the fee schedule effective January 1, 2026. Lawyer fees, publication costs and bond are separate and vary.

How long. There is no fixed length, but the creditor window below means an estate with a house in it rarely closes in less than about four months, and often takes longer.

When probate may not be needed

- **Small estates.** Tennessee's Small Estate Probate Act covers estates of \$50,000 or less, and it covers personal property only. A house is real property, so this route does not reach it. (Filing fee for the small estate petition without a will: \$166.50 in Shelby County.)
- **Joint ownership with survivorship.** A house owned jointly with right of survivorship, or by a married couple as tenants by the entirety, generally passes to the surviving owner without probate. Tennessee Code sections 66-1-106 and 66-1-107 are where that rule lives. Check the deed, not the family's memory of it.
- **Transfer on death deeds.** We could not confirm that Tennessee allows them. Bills to create them were introduced in 2025, but we could not confirm any became law. Do not assume a "TOD deed" or "beneficiary deed" works on a Tennessee house until a Tennessee lawyer or the Register of Deeds confirms it.

Title, heirs and the Register of Deeds. Under Tennessee law, title to a house owned solely by someone who has died generally passes to the heirs or the people named in the will at the moment of death, though the estate can still be reached to pay debts. An Affidavit of Heirship can be recorded at the Shelby County Register of Deeds (1075 Mullins Station Road, Building W-3, (901) 222-8100) to put the family relationships on the public record. What it does not do: it is evidence of who the heirs are. It does not by itself transfer or clear title, and it does not appoint anyone to act for the estate. A title company or buyer will often still ask for court papers.

2 The clocks that start after a death

Within 30 days after letters are issued, the court clerk publishes a Notice to Creditors in a local paper, two weeks in a row. Under Tennessee Code section 30-2-306, a creditor then has the earlier of:

- four months from first publication (when the creditor was also sent a copy at least 60 days before that date), or
- twelve months from the date of death.

Section 30-2-310 sets the outer wall: claims not filed or sued on within twelve months of death are forever barred. There are exceptions, including claims for taxes and a longer window for TennCare. Heirs often wait for these dates to pass before distributing anything.

3 What a sitting house quietly costs

Property taxes keep running, and interest is steep. The Shelby County Trustee's office lists **1.5% interest per month** (18% a year) on unpaid property taxes once they go delinquent. Shelby County taxes are delinquent after the last day of February (interest begins March 1); the Trustee lists September 1 as the delinquency date for City of Memphis taxes. The Trustee must file suit to collect delinquent real estate taxes, and a house can be sold at public tax sale. After a tax sale, the previous owner or the heirs can redeem the property, but the window can be short: one year if the taxes were delinquent three years or fewer, 90 days if four years or more, and just 30 days if the property is vacant and abandoned under the Trustee's inspection test. The Trustee's office is at (901) 222-0200. You can search the property's tax status on its website.

Insurance thins out when a house sits empty. Many standard homeowners policies limit or exclude coverage such as vandalism and glass breakage after a house has been vacant for a set period, commonly 30 or 60 days, and many exclude freeze damage if the heat is off and the water has not been shut off and drained. Terms vary by policy and insurer, and some insurers cancel, non-renew or move a vacant house to a costlier vacant-dwelling policy. Read your policy's vacancy language and ask your agent in writing what applies. Hiding the vacancy is worse: it risks a denied claim exactly when you'd need it.

The city can fix it and bill you. The City of Memphis Code Enforcement department (901-636-7464, or 311) enforces its property maintenance code, and abandoned houses are among the most common complaints it hears. The City's own process for dangerous structures runs from a title search, to certified-mail notices, to a condemnation hearing, to 30 calendar days to repair or demolish before the City does it. If the City demolishes, the cost is assessed against the property taxes. City records also show that Memphis charges owners for weed cutting, boarding and securing, and cleanup, and can place a lien on the property for unpaid costs.

Two things to know about Memphis specifically. First, the City's registration program for derelict buildings (Chapter 14-8 of the Code of Ordinances) does not apply to single-family homes or duplexes. Second, in 2025 the Memphis City Council considered a \$300 a year fee on vacant and abandoned properties (Ordinance 5936). The City's council minutes show it was withdrawn, so we are not listing it as a cost. Call 311 to ask whether anything has changed.

The Neighborhood Preservation Act. Under Tennessee Code Title 13, Chapter 6, the owner of residential property must keep the exterior and lot at least to the community standard of the area. Three or more citations for building-code or property-standards

violations within a year, without bringing the property into compliance, is prima facie evidence that the standard is not being met. A neighbor can sue for damages (the lost value of their own home, proved with two independent appraisals), and the court can award attorney's fees. Serious illness, an act of nature and a "legal barrier" are listed as defenses. The Act also creates a court process in which the city, a nonprofit or a neighbor can ask for abatement of a nuisance property, with certified receivers and buyers. Memphis has a University of Memphis law clinic that works on these cases for the City.

Utilities. Memphis Light, Gas and Water handles electric, gas and water. To start, stop or transfer service, call (901) 544-6549 or use MLGW's online stop-service request. Whether to leave power on (to run a sump pump or protect pipes) or shut it off is worth deciding with your insurer, because a policy may care. If the water is left on in cold weather without heat, burst pipes are the classic empty-house disaster; shutting the water off at the main and draining the lines is the usual precaution.

The house itself decays fastest empty. Unnoticed leaks, pests, break-ins, tall grass. An empty house generates the exact problems that create code cases, and every one lands on the owner.

4 Unauthorized people in the house

Empty houses attract squatters, and Tennessee has a fast route for owners. Under Tennessee Code section 29-18-135, an owner (or the owner's agent) can submit a sworn Complaint to Remove Persons Unlawfully Occupying Residential Real Property to the county sheriff. It applies when the person entered unlawfully, the house was not open to the public, the owner has told them to leave, they are not a current or former tenant, not an immediate family member (spouse, parent, sibling or child), and there is no pending lawsuit about the property between the owner and that person. The sheriff verifies that the person filing is the record owner or the owner's authorized agent, then serves a notice to vacate and puts the owner in possession. The complaint is signed under penalty of perjury, and anyone removed can sue over false statements or wrongful use of the process.

The catch for inherited houses

The sheriff checks the record owner. If the deed still carries the name of the person who died, ask the Probate Clerk or a lawyer who counts as the owner or authorized agent before filing anything. And outside this process, locking people out or throwing out belongings yourself is the kind of move that gets owners sued. Ask a lawyer first.

5 The contents: three real ways through

Way 1: The one-room rule, then professionals.

Don't try to sort the house. Pick the things that are actually irreplaceable: photos, papers, a short list of keepsakes. One room's worth, not ten. Then let an estate sale company handle the rest; they typically run the sale for a percentage and can broom-clean what doesn't sell. This is the right path when the contents have real value and you have a few weeks.

Way 2: Donate and haul.

Donation pickups for furniture that's usable, a junk-haul crew for the rest. Depending on how full the house is, hauling usually runs from a few hundred dollars to a few thousand. This is the right path when the contents are more burden than value and you want it done in days.

Way 3: Sell the house with everything still in it.

This is the option most people don't know exists. Some buyers purchase houses as they sit, contents and all. You take the photos and the papers and anything you love. You leave the furniture, the garage, the closets, all of it. There is no cleanout weekend, because there is no cleanout. If the house is in an estate, a sale generally requires that whoever signs has legal authority to sell, which is why the probate section above comes first. This is the right path when the cleanout itself is the thing that's kept the house frozen for years.

If the family isn't on the same page

You don't need everyone to be emotionally ready. You need agreement on one sentence: "we're going to let it go." If the house passed to several heirs, they own it together, and decisions generally need all of them, which is another reason to get the legal picture straight early. And however it goes: nobody in the family is the villain here. Houses sit because grief is heavy, not because anyone failed.

6 The ten-minute protection checklist (do these this week)

1. **Shut off the water at the main**, or keep heat on and maintained.
2. **Tell your insurance company the house is vacant.** Ask in writing what your policy actually covers and for how long.
3. **Forward the mail.** Unforwarded mail advertises "empty" to the whole street.

4. **Have someone mow and clear the porch every couple of weeks.** Yard and exterior citations are the most common way empty houses land on the City's radar.
5. **Look up the property's tax status** on the Shelby County Trustee's website, (901) 222-0200.
6. **Ask Memphis 311 or Code Enforcement**, (901) 636-7464, whether the address has an open complaint or notice.
7. **Look up the deed** on the Register of Deeds site, and ask about the Register's Fraud Alert program, (901) 222-8100. Empty houses are targets for deed fraud.
8. **Photograph every room once**, for insurance and for the family.

7 Free and low-cost help

- **Shelby County Probate Court Clerk:** (901) 222-3750, 140 Adams Avenue, Room 124. Forms and fee schedule on the Clerk's page at shelbycountyttn.gov.
- **Tennessee Courts Self-Help Center:** tncourts.gov/programs/self-help-center, with an Estate and Probate section and court forms.
- **Memphis Area Legal Services:** (901) 523-8822 or 901legalconnect.org. Free civil legal help for people who meet income and other eligibility rules. Ask if an estate or housing problem qualifies.
- **Memphis Bar Association legal clinics:** memphisbar.org lists free advice clinics and legal aid providers.

The honest math

Every month the house sits, it costs carrying money, it decays, and the emotional weight compounds right along with the fees. The paths above all end that. If it helps you clear it out and keep it, that's a good ending too. The most useful first step is usually the least dramatic one: find out who legally holds the house and what the property taxes look like today.

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