

IN THE CHANCERY AND CIRCUIT COURTS FOR THE 24TH JUDICIAL DISTRICT OF TENNESSEE

LOCAL RULES OF PRACTICE 2023



PREAMBLE

Pursuant to the provisions of T.C.A. § 16-2-511 et. seq., and *Tennessee Supreme Court Rule 18* (2022), and the inherent power of the Courts, the following Rules are hereby adopted.

These Rules, which were thirty (30) days in draft, were published for comment on April 1, 2023. These rules became effective on June 9, 2023, and are published and available for distribution through the Clerks' offices in the district, as well as online through the Administrative Office of the Courts. Pursuant to *Tennessee Supreme Court Rule 18(b)* a true and correct copy of these Rules has been sent to the Administrative Director of the Courts.

A TRUE ATTEST COPY
ALBERT WADE, JR.
CLERK & MASTER
HENRY COUNTY, TN

June 15 2023 DATE -74- PAGES
Jannie J. Sanders DEP. CM

FILED FOR
RECORD

JUN 09 2023
AT 2:00 O'CLOCK P M
ALBERT WADE, JR., C&M

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RULE 1. SCOPE, APPLICATION, and CONSTRUCTION OF THE RULES DEFINITIONS OF TERMS

1.01 SCOPE OF THE RULES

Subject to such exceptions as are stated herein, these Rules shall supplement the *Tennessee Rules of Civil Procedure* and the *Tennessee Rules of Criminal Procedure in the Circuit and Chancery Courts* for the 24th Judicial District of Tennessee. Where, in civil cases, these Rules are in conflict with the *Tennessee Rules of Civil Procedure* or, in criminal cases are in conflict with the *Tennessee Rules of Criminal Procedure*, the State rules will prevail. All former *Rules of Local Practice* for the 24th Judicial District, except as readopted herein, are abrogated. Any of these Rules may be suspended or varied in exceptional cases where the Judge deems that justice so requires.

1.02 APPLICATION OF THE RULES

These Local Rules shall be applicable in all proceedings filed in those counties which comprise the 24th Judicial District. Rule 1 has general application to all cases, whether filed in Chancery or Circuit Court, and whether criminal or civil in nature. Part A of these Rules, Rule 2 through Rule 14, have no application in cases which are criminal in nature, but apply in all civil cases regardless of the Court in which the case is filed. Part B of these Rules, Rule 15 through Rule 26, have no application in cases which are civil in nature, but apply to all criminal cases.

1.03 CONSTRUCTION and CITATION OF THE RULES

These Rules shall be construed to secure simplicity in procedure, fairness in administration, and promote the efficient and cost-effective resolution and disposition of cases brought in the District. These Rules shall be cited as *Rule _____ Local Rules of Practice, 24th Judicial District*.

1.04 DEFINITION OF TERMS

- (A) Within these Rules, the term "Clerk" shall refer to the Clerk & Master of the Chancery Court and the Clerk of the Circuit Court.
- (B) Within these Rule, the term "Judicial Days" shall refer to days when the Judicial Building in each county is open for business and the Clerk's offices are open. The date of filing shall not be included in the calculation of days.

1.05 THE PRESIDING JUDGE

The Presiding Judge selected pursuant to T.C.A. § 16-2-509 and Rule 11 of the Rules of the Supreme Court of Tennessee, will supervise the administration of the trial courts.

1.06 INTERCHANGE OF JUDGES

When necessary for the efficient administration of justice, a Judge may hear and determine any matter by interchange for another Judge without the necessity of transferring the case from one court to another.

1.07 TRANSFER OF CASES

The Presiding Judge may transfer a case from one court to another or from one division to another. The Judges and Chancellor of the Twenty-Fourth Judicial District may transfer cases among themselves by mutual consent except in cases of recusal. It is not necessary for the parties or their counsel to consent to such transfer.

PART A: RULES IN COURTS EXERCISING CIVIL JURISDICTION

RULE 2. SCHEDULING OF CASES

2.01 SETTING CASES FOR TRIAL

- (A) All cases shall be set for trial in one of the following ways:
1. By obtaining dates from the Trial Judge's office and entering an agreed order which sets out the date, time, place, and duration of the trial;
 2. By motion and notice of hearing to set for trial; or
 3. By the Court with notice to all parties.
- (B) Entry by counsel of an agreed order setting a case for trial represents that all discovery has been completed and the case is ready to be tried on the dates scheduled. Alternatively, with leave of the Court, counsel may submit agreed orders setting the case for trial however, such an order shall establish strict deadlines for discovery.

- (C) Appeals from the General Sessions Court, the Juvenile Court, or from various Municipal courts in the district will be set by the Clerk of the Circuit or Chancery Court, upon consulting with the judge presiding over the Court. The Clerk will prepare such order for the signature of the Judge.

2.02 ORDERS SETTING TRIALS

(A) **JURY TRIALS:**

Orders setting jury trials shall display the words "A JURY OF" in all capital letters immediately followed by the number of jurors requested; all of which shall appear immediately under the docket number of the case. Where no number of jurors has been demanded, a panel of twelve (12) jurors plus alternate(s) will be empaneled. Orders establishing jury trial dates shall be in the form shown in Appendix B attached hereto, and include the date and time of the pre-trial conference, and the date, time, and duration of the trial. Alternatively, counsel may pursuant to Tenn. R. Civ. P. RULE 48 stipulate that the jury shall consist of any number less than that provided by law, or that a verdict or a finding of a stated majority of the jurors shall be taken as the verdict or finding of the jury.

(B) **NON-JURY TRIALS:**

Orders setting non-jury trials contain the name of the Trial Judge in all capital letters immediately under the Case Number, and include the date, time, and estimate duration of the trial.

(C) **ALL Trials:**

1. When any case is set for trial, whether by agreement of counsel, upon decision of the Court, or following a Motion to Set, it shall be incumbent upon the attorney setting the case, to draw an order setting the case, serving a copy thereof upon opposing counsel, or if there is no other attorney, upon the opposing party or parties. Where the case is set upon the court's own motion, the Court will draw the order.
2. Any Order setting a case for trial shall include language certifying all discovery, mediation (if required), and evidentiary depositions have been completed.

2.03 PRE-TRIAL CONFERENCES IN JURY CASES

- (A) Unless waived by the Trial Judge, a pre-trial conference shall be set in every case in which a jury has been demanded.

- (B) At the pre-trial conference, counsel who will conduct the trial or co-counsel with full knowledge of the case and authority to bind such party by stipulation shall be present.
- (C) No less than two (2) days before the pre-trial conference, each party shall present the following:
 - 1. A concise factual statement of his or her client's claim and/or defense(s), including specification of all damages claimed, if any;
 - 2. A list of names and addresses of all non-expert witnesses who are expected to testify at the trial of the cause;
 - 3. A list of names and addresses of all expert witnesses expected to testify at the trial of the cause; the expert witness list should include the expert's area of expertise, a copy of any reports prepared by the expert, any answers to expert interrogatories or, if none exist, a summary of the testimony the expert is expected to provide;
 - 4. A list of proposed exhibits with each exhibit marked for identification;
 - 5. A list of proposed pattern jury instructions and separate special instructions to be requested;
 - 6. A proposed verdict form; and
 - 7. Stipulations as to any matter of fact or law about which there is no issue.
- (D) The Court shall file an Order for Pre-Trial Conference with the date, time, and location of the Conference in the form shown in Appendix A attached hereto.

RULE 3. PRE-TRIAL EXCHANGES and TRIAL BRIEFS

3.01 EXCHANGE OF WITNESSES AND EXHIBITS

- (A) In trials in which a jury is demanded, lists of witnesses will be exchanged pursuant to Rule 2.03. In trials in which a jury has not been demanded, lists of all witnesses shall be filed with the Clerk and exchanged between counsel at least three (3) full Judicial Days prior to trial. Names of rebuttal witnesses need not be exchanged unless so ordered by the Court. Failure to comply with this rule shall be grounds for exclusion of witnesses.
- (B) In trials in which a jury is demanded, exhibits will be exchanged at the pre-trial conference as discussed in Rule 2.03. In trials in which a jury has not been demanded, lists of all exhibits shall be exchanged

between counsel at least three (3) full Judicial Days prior to trial. Parties are not required to exchange rebuttal exhibits unless ordered by the Court. Failure to comply with this rule shall be grounds for exclusion of exhibits.

- (C) Exchange of Witness and Exhibit lists shall be done in the same document in the form shown in Appendix C attached hereto.

3.02 BRIEFS

Trial briefs are required in any trial, unless excused by the Court and shall be emailed to the Chancellor/Judge's Judicial Assistant, no later than ten (10) Judicial Days prior to trial. Trial briefs shall not be filed with the Clerk, unless counsel is instructed by the Court to do so. Trial briefs should address contested issues of fact and law which counsel anticipates. The brief should contain theories of law and case authority which counsel seeks the Court to consider. Responsive briefs are not required, but may be filed no later than four (4) Judicial Days prior to trial.

All voluminous pleadings shall be bound, with copies sent directly to the Judge.

RULE 4. TRIAL EXHIBITS

In cases filed in Circuit Court, after the entry of the final order, the Clerk will retain exhibits for a period of one year. If at the expiration of one year no appellate action is pending, the Clerk may notify counsel that the Clerk plans to destroy the exhibits, and the attorney who introduced it may withdraw the exhibit. Exhibits which are not withdrawn are then held for a period of thirty (30) days after notice is given, and then may be destroyed by the Clerk. This rule further shall apply to depositions, which are not marked as Exhibits, but only made a part of the technical record.

In cases filed in Chancery Court, the clerk will scan evidence into the electronic file and maintain all original copies of evidence until the appeal period has passed. After the appeal period has passed, the clerk shall return all original copies of evidence to the attorney or litigant who submitted said evidence. This rule shall also apply to depositions which are not marked as Exhibits but made a part of the technical record.

RULE 5. TEMPORARY RESTRAINING ORDERS AND ORDERS OF PROTECTION

Persons seeking an order of the Court granting a Temporary Restraining Order should first file a complaint with the Clerk. The Clerk will then present the sworn pleadings for consideration to the appropriate Judge or Chancellor. The Order, whether granted or denied, shall be filed with the Clerk. Hearings on Temporary Restraining Orders, including those in

domestic relations matters, will be scheduled before the Trial Judge within fifteen (15) days of issuance.

In Order of Protections cases, approved Domestic Violence Program workers may assist parties in completing affidavits for consideration. The Ex Parte Order will be considered only upon the sworn pleadings and completed affidavit. No testimony will be considered.

RULE 6. APPEARANCE AND CONDUCT OF COUNSEL AND PARTIES IN CIVIL AND CRIMINAL CASES

6.01 COUNSEL OF RECORD; ENTRY OF APPEARANCE

All counsel who have entered an appearance in a case will be counsel of record. Entry of Appearance shall be required to be made in one of the following ways:

- (A) The filing of an initial pleading; or
- (B) The filing of a formal entry of appearance.

6.02 WITHDRAWAL/SUBSTITUTION OF COUNSEL

No attorney will be allowed to withdraw except for good cause. Good cause may include but not be limited to the mutual agreement of all parties. Motions to Withdraw shall state the reason the motion is made, except where such is excused under the Rules governing responsibility of counsel to their parties. Notice of the filing of the Motion shall be given to the party who is represented by the attorney seeking to withdraw and to opposing counsel. Agreed Orders allowing counsel to withdraw must have all counsel signatures and the signature of the party whose counsel is withdrawing. Upon withdrawal of counsel or upon order of substitution of counsel, the Clerk is directed to remove/add the appropriate attorney as attorney of record.

6.03 CONDUCT OF COUNSEL

- (A) At trial, counsel shall not exhibit familiarity with witnesses, jurors or opposing counsel. No attempt may be made to curry favor with jurors during opening statements or arguments. No party, witness, juror, or counsel shall be addressed solely by their first name.
- (B) Bench conferences should be requested only, when necessary, in aid of a fair trial. Counsel shall not lean on the bench nor appear to engage the Court in conversation in a confidential manner. Arguments concerning evidentiary matters will be presented outside the presence of the jury.

- (C) Counsel shall refrain from interrupting the Court or opposing counsel until the statements being made are fully completed, except when absolutely necessary to protect the client. Counsel should respectfully await the completion of the Court's statements before undertaking to point out matters considered to be objectionable. Counsel should state grounds for objection. In a trial by jury, Counsel should state grounds for an objection without argument, and where argument is necessary counsel should request to approach the bench.
- (D) Counsel shall stand while examining witnesses or addressing the Court or the jury. Counsel shall stand at the counsel table when voicing an objection and at the podium or counsel table while questioning a witness or addressing the Court. During trials by jury, with permission of the Trial Judge, counsel may depart from the podium during opening and closing arguments, but must be cautious not invade the space of jurors. Closing arguments of counsel in non-jury cases should be made from the podium.
- (E) No counsel should approach the bench, the witness or the jury without leave of the Court.
- (F) No counsel, parties, or any other person having an interest in a case set for trial, shall engage in any conversation with any juror currently serving in that Court, except by leave of the Court. When a case is concluded, counsel may not discuss the case with jurors until after that juror's term of service is concluded and said juror agrees to discuss the case.
- (G) Congeniality among members of the bar is desired. Counsel should avoid making ill-considered accusations of unethical conduct toward an opponent. Counsel should not engage in intentionally discourteous behavior for the purpose of attempting to obtain an advantage over an opponent. Counsel should never intentionally embarrass other lawyers and should avoid personal criticism of him or her in the presence of his or her client or other counsel.
- (H) Whenever the setting of attorney's fees is an issue in a case, the attorney will file a sworn itemized affidavit of services performed, the time spent on the case, and the suggested hourly rate requested by the attorney.

6.04 CONTACT WITH THE COURT

During the pendency of actions, contact regarding the litigation ordinarily should be made with the Court only during hearings and conferences established by Court Order. Other communications with the Court should occur only under unusual circumstances. Except in the event of an emergency, neither counsel should contact the Court regarding a pending matter.

6.05 FAILURE TO APPEAR; LATE APPEARANCE

Unless otherwise excused, failure of counsel or parties to appear, or late appearance, shall result in a motion, or trial being stricken or adjudicated as the Court orders. If there is to be a late arrival or attendance in another Court, counsel shall notify the **Judge's office AND other counsel**, or request a continuance of the motion and notify other counsel thereof prior to the designated time of hearing.

Notwithstanding the above, if a pro se party notifies the Clerk's Office of a late arrival, the Clerk's Office shall notify the Judge's Office prior to the beginning of Court.

RULE 7.

7.01 FILING AND SERVICE OF PAPERS

All pleadings and motions shall be filed with the Clerk. Judgments and Orders (including proposed Judgments and Orders) may be submitted to the Clerk of the Court or submitted directly to the Judge's Judicial Assistant.

7.02 FORM OF PLEADINGS

- (A) All pleadings shall contain a caption and designation as provided by Rule 10.01 Tenn. R. Civ. P. In addition, all complaints, petitions and motions shall, in the designation thereof, contain a short statement of the relief sought or the nature of the matter contained therein.
- (B) All pleadings, addressed to the court, shall be in the following form, to wit:
In the Circuit {Chancery} Court of Tennessee for the Twenty-Fourth Judicial District at (Camden, Huntingdon, Decaturville, Savannah, Paris).
- (C) All pleadings shall conform to the requirements of Rules 7, 8, 9, 10 and 11, Tenn. R. Civ. P. Any pleading not conforming may, upon motion of an attorney, or by the court sua sponte, be stricken from the docket. Pleadings

are requested to be on letter size paper (8 1/2 x 11). However, no pleading shall be refused because of the size of the paper.

7.03 CERTIFICATE OF SERVICE

After suit is commenced, all papers required to be served on a party by any person except the Clerk shall contain a certificate of service that recites the name and address of each person served and the date and method of service.

In *ex parte* matters, copies of motions and other papers shall be mailed to interested parties. Such papers must contain a certificate of service that includes the name and address of the interested parties served and the date of service.

7.04 SIGNATURE OF COUNSEL

All pleadings, briefs, orders and other papers submitted to the Court for consideration shall be personally signed by at least one attorney of record, in his/her individual name and will show the style and number of the case, the general nature of the pleading filed, the name, street address, the telephone number of the attorney filing the pleading, the attorney's Tennessee Supreme Court Registration Number and the email address of the attorney.

RULE 8. MOTION PRACTICE

8.01 SCHEDULE OF MOTION HEARINGS

All motions where oral presentations are sought will be set on a designated motion day. Motions which cannot be concluded within forty-five (45) minutes should not be set on motion days, except upon direction of the Court. Except as otherwise provided herein and except as leave is granted by the Judge, all motions shall be filed at least five (5) judicial days prior to the hearing.

8.02 CONTENT OF MOTIONS

All motions shall cite the *Rule of Procedure* upon which counsel relies. Except where counsel does not seek an immediate hearing upon a motion filed, all motions shall be accompanied by a Notice of Hearing which will set the date and time of such motion.

Counsel setting a motion shall first consult with the opposing counsel, or opposing party, to determine a mutually agreeable day and time for hearing.

Where counsel setting a motion seeks to confer on a date and time and receives no response from opposing counsel or opposing party within two (2) Judicial Days, counsel may file the motion with a notice of hearing on any date provided by the Court.

8.03 HEARINGS AND ORAL ARGUMENTS/WAIVER OF ORAL PRESENTATIONS

- (A) When a motion is filed, the Court will contemplate that oral argument is requested, except where the motion contains the following language directly under the case number: NO ORAL ARGUMENT REQUESTED. When such a motion is filed, the Clerk shall hold the motion and order for ten (10) days. If no response has been filed within the ten (10) days, the Clerk shall immediately deliver that motion, proposed order, and the case file to the Court.
- (B) Where oral argument is not requested in the initial motion, but oral argument is requested in the response, counsel for the respondent shall set the matter for oral argument in accordance with the local rules.

8.04 STRIKING OR POSTPONING MOTIONS

- (A) After a motion has been docketed, it may be stricken upon the agreement of all parties, or the moving party may strike the motion. When the motion is stricken without agreement, the party opposing the motion may move the Court for fees and costs. Counsel for the moving party shall immediately contact the Judge's office to advise the motion is stricken and file a notice of same with the Clerk prior to the date the motion is set for hearing.
- (B) After a motion has been docketed, it may be continued or postponed upon the agreement of all counsel or parties without consent of the Court. Neither party may unilaterally continue a motion hearing; however, where there is no agreement, the parties may seek leave of Court.

8.05 MOTIONS FOR SUMMARY JUDGMENT and MOTIONS TO DISMISS

- (A) Motions for Summary Judgment and Motions to Dismiss must be scheduled to be heard at least sixty (60) days prior to the scheduled trial date, unless the Court orders otherwise. A Motion for Summary Judgment or a Motion to Dismiss cannot be heard until at least fifty (50) days after the motion, unless the Court orders otherwise.
- (B) Upon filing of a Motion for Summary Judgment or Motion to Dismiss, opposing party shall have thirty (30) days to file a response. The moving party shall have ten (10) days to file a reply to the response. No further responses or replies shall be accepted.

- (C) Any responses, replies, statement of undisputed facts, replies to statements of undisputed facts, or other additional filings pertaining to a Motion for Summary Judgment or a Motion to Dismiss shall be filed at least ten (10) Judicial Days prior to the scheduled hearing on the motion. However, if the non-moving party has asserted additional facts in accordance with Tennessee Rules of Civil Procedure Rule 56.03, the moving party shall be allowed to respond to these additional facts by filing a reply statement in the manner and form as specified in TCRP 56.03 at least three (3) Judicial Days prior to the scheduled hearing on the motion.

8.06 PRE-TRIAL MOTIONS

- (A) Pursuant to Rules 7.02 and 11 of the Tennessee Rules of Civil Procedure, all pretrial motions shall be in writing and signed by the attorney or pro se litigant with a certificate of service to all other parties or their counsel. Motions shall also conform with Rule 6.04 and Rule 6.05 of the Tennessee Rules of Civil Procedure and any other applicable rule and must state specifically the authority relied on for said motion.
- (B) In cases where a Jury has been demanded, all Pre-Trial Motions shall be heard at the Pre-Trial Conference, unless otherwise allowed by the Court.
- (C) All motions, other than a Motion for Summary Judgment or a Motion to Dismiss shall be heard at least ten (10) days prior to trial of the cause.

RULE 9. ORDERS/COMPETING ORDERS

- (A) In all civil cases, within ten (10) days after the Judge announces a decision, the attorney for the prevailing litigant shall submit to the Clerk an Order containing the ruling of the Court. Prevailing counsel shall serve a copy on opposing counsel (or pro se litigant). Such orders shall be lodged with the Clerk for ten (10) Judicial Days to afford opposing counsel an opportunity to object. Absent an objection, upon presentation by the Clerk to the Judge, the order will be entered. Civil orders submitted must be entered in accordance with provision of Rule 58 of the *Tennessee Rules of Civil Procedure*. Where an order is lodged and signed by all parties and/or their counsel, the Court will enter such order upon presentation, without the necessity for holding such order for ten (10) Judicial Days. In the event that all parties are unrepresented by counsel, the trial Judge shall direct the Clerk to prepare an Order or the Judge shall prepare the Order.

- (B) Objections to Orders must be filed with ten (10) Judicial Days. A party objecting to an order shall submit an alternative order to the Court for consideration and identify specific objections to the original proposed order. Upon receipt of an objection and alternative order, the Court shall either enter the original proposed order, the alternative proposed order, the Court's own order, or set the matter for hearing.

RULE 10. JURY TRIALS

10.01 JUROR QUESTIONNAIRES

At the beginning of his or her service, each prospective juror will complete a questionnaire which will be filed with the Clerk of the Circuit Court, or the Clerk and Master of the Chancery Court, and shall be available to counsel at all times in the respective Clerk's offices.

10.02 JURY SELECTION.

At trial, the Judge will seat prospective jurors in and around the jury box. Counsel will proceed, at the appropriate time, to voir dire those seated as prospective jurors. Questions should initially be directed by counsel to the entire panel, although follow-up questions may be asked of specific jurors as a result of their answers to the general questions. Although counsel may also follow up on answers provided by prospective jurors in the jury questionnaires, it is presumed that counsel will consider questions and answers provided on the questionnaires and will not re-ask those questions. Should issues arise as to challenges for cause, the Court may excuse a juror on his or her own motion, or counsel may seek to approach the bench to discuss challenges for cause. *Batson* challenges similarly should be exercised by argument at the bench outside the presence of the jury.

10.03 ALTERNATE JUROR IN CIVIL CASES

Alternate jurors shall be determined prior to commencing deliberations and shall be selected at random.

10.04 CONTINUANCE ON MOTIONS AND CONTINUANCE OF JURY TRIALS

Jury Trials shall only be continued by leave of the Court after a hearing on a Motion to Continue. Jury Trials shall not be continued by an Agreed Order.

The court looks favorably on continuances by agreement of the parties unless the exigencies of the case require prompt resolution of the matter. However, as a general rule, trials will not be continued without permission of the court. The court must also approve continuances related to show cause hearings or accounting reviews in probate court.

If a case is continued or settled, the attorney who had subpoenas issued for witnesses will be responsible for notifying those witnesses not to appear.

RULE 11. DISCOVERY IN CIVIL CASES

11.01 FILING REQUIRED ONLY FOR USE BY COURT

Interrogatories or Requests for Admissions or Production of Documents or other discovery material need not be filed with the Clerk unless and until it is to be considered by the Court for some purpose.

11.02 NUMBER OF INTERROGATORIES

No party shall serve on any other party more than (30) single question interrogatories, including subparts without leave of Court. Parties seeking to serve a greater number of interrogatories may do so with leave of Court. Any motion seeking permission to serve additional interrogatories shall contain the proposed interrogatories and shall be accompanied by a memorandum establishing good cause for such service. If a party is served with more than thirty (30) interrogatories without an order of the Court, he or she shall respond only to the first thirty (30) in the manner provided by the *Tennessee Rules of Civil Procedure*.

11.03 MOTIONS REGARDING DISCOVERY ISSUES

- (A) The Court shall refuse to rule on any motion related to discovery, including a motion to compel for failure to timely respond, unless the motion contains a statement which certifies the lawyer for the moving party, or the moving party when said party is *pro se*, has conferred with opposing counsel, or party, in a good faith effort to resolve the matters alleged in the motion and that the effort has not been successful. Such a good faith effort shall be evidenced by a writing from the moving party to the non-moving party describing the alleged deficiencies in discovery and shall include the date for delivery of discovery.
- (B) When a Motion to Compel Answers to Interrogatories or Motion to Compel Production of Documents or other Exhibits is filed, counsel shall file the Interrogatories or Requests for Production of Documents for which answers are sought as an exhibit to the motion. Where the opposing party has not been diligent in submitting responses, attorney fees may be awarded.

RULE 12. FACSIMILE FILING AND E-FILING

12.01 PLEADINGS WHICH MAY BE FILED BY FACSIMILE

Facsimile filing is allowed to every extent allowed by the *Tennessee Rules of Civil Procedure*. New cases may not be filed by facsimile. However, once a case is filed, answers, motions, briefs, and other documents may be filed by facsimile. Once submitted by facsimile, copies of signatures submitted by facsimile shall be deemed by the Court to be original signatures, and documents submitted by facsimile shall be deemed to be original documents. It is not required that original documents which are duplicative of documents submitted by facsimile be filed.

12.02 TRANSMISSION INFORMATION

- (A) Each of the respective Clerk's offices shall maintain a facsimile machine. These machines may be contacted as follows:

Henry County Circuit – 731-642-1244
Henry County Chancery – 731-644-2527
Henry County Probate – 731-642-2311

Carroll County Circuit Court – 731-986-1930
Carroll County Chancery – 731-986-6051

Benton County Circuit Court – 731-584-2081
Benton County Chancery Court – 731-584-1407

Decatur County Circuit Court – 731-852-4172
Decatur County Chancery Court – 731-852-2132

Hardin County Circuit Court – 731-925-2955
Hardin County Chancery Court – 731-925-0255

- (B) Facsimile machines will be operational during regular office hours on Judicial Days. The Twenty-Fourth Judicial District does hereby incorporate and adopt Tenn. R. Civ. P. 5A as a part of these rules.

12.03 COVER SHEETS AND USER FEES

Each facsimile transmission must be preceded by a cover page bearing the signature of counsel guaranteeing prompt payment of the user fees. For each facsimile transmitted to the Court, there is a charge which is established by the Rules of the *Tennessee Supreme Court*. Counsel shall create their own bills for such services where they require such for their record keeping and shall transmit payment with five (5) Judicial Days, or such other time which may be provided by *Supreme Court Rule*.

12.04 E-FILING

It is the intent of the Circuit and Chancery Courts throughout the Twenty-Fourth Judicial District to adopt and implement E-Filing in an expeditious manner. Upon its adoption, E-Filing shall be the preferred method for the filing of pleadings in these Courts. The Judges of the Chancery and Circuit Courts are currently preparing the E-Filing Rules and upon their adoption shall be known as the Electronic Filing Rules for the Twenty-Fourth Judicial District of Tennessee, and the same shall be incorporated herein by reference. Where the Electronic Filing Rules are in conflict with these Rules, these Rules shall prevail.

RULE 13. DIVORCE, PENDENTE LITE HEARINGS AND POST-DIVORCE MATTERS

13.01 PENDENTE LITE HEARINGS

- (A) Upon the filing of a divorce action and the request for a Pendente Lite hearing, counsel shall file with the Court a motion requesting the Court to conduct a Pendente Lite hearing. The Court may from time to time, based upon caseload, appoint a Special Master for the purpose of conducting the Pendente Lite hearing. Any Order Appointing a Special Master shall be in the same or similar form shown in Appendix D attached hereto.
- (B) *Pendente Lite* hearings are for the purpose of setting a temporary Residential sharing schedule, temporary spousal support, setting temporary child support for the minor child(ren), determining all matters as set forth in a temporary parenting plan (T.C.A. §36-5-121(b)), temporary possession of the marital home, and temporary allocation of marital expenses. Any matters concerning the division or sale of any personal or real property owned by one or both spouses shall be decided by the Trial Judge absent an Order to the contrary.
- (C) For every *Pendente Lite* hearing, both parties shall present written Statements in the form shown in Appendix E attached hereto at least (5) days prior to the *Pendente Lite* hearing.

Both parties shall attach proof of income (i.e. latest W-2, 1099, most recent tax return, or other such proof) to their Appendix E Statement. All such statements shall be signed by the filing party under oath. These statements shall be considered the testimony of the parties as to the issues contained therein.

- (D) Where there are minor children, both parties shall also file a Temporary Proposed Parenting Plan, at least five (5) days prior to the *Pendente Lite* hearing.
- (E) Witness and Exhibit Lists for a *Pendente Lite* hearing shall be filed in Accordance with rule 3.01.

- (F) After a Pendente Lite hearing, if conducted by the Special Master, the Special Master shall file a Special Master's Report containing Findings of Facts and Conclusions of Law in the form shown in Appendix F attached hereto. The Master's Report shall be followed until such time there is a hearing on any objection, or until the Trial Judge adopts the report, modifies the report, rejects the report in whole, rejects the report in part, receives further evidence, or recommits the report with instructions. A Special Master's Report shall not become an order of the Court until such report is adopted by signature of the Trial Judge, or by Order Approving Special Master's Report in the form shown in Appendix G attached hereto.
- (G) Objections to the Special Master's Report shall be filed within five (5) Judicial Days in accordance with T.C.A. 17-2-123. A party objecting to an order shall submit an alternative order to the Court for consideration and identify specific objections to the original proposed order. Where there is a proper objection, the case shall be set for hearing before the Trial Judge. After hearing, pursuant to *Tennessee Rules of Civil Procedure Rule 53.04*, the Trial Judge may adopt the report, modify the report, reject the report in whole, reject the report in part, receive further evidence, or may recommit the report with instructions.
- (H) If an objection is not set within five (5) judicial days from filing, such objection shall be overruled, and the Trial Judge may adopt the report, Modify the report, reject the report in whole, reject the report in part, receive further evidence, or may recommit the report with instructions.
- (I) Appeals from the decision of the Special Master will be conducted upon the record of the testimony presented before the Special Master and upon arguments of counsel unless the Court directs otherwise.
- (J) Each case heard by the Special Master, shall only go before the Special Master for one (1) Pendente Lite hearing, unless the Trial Judge approves a request for an additional *Pendente Lite* hearing, or the parties enter an Agreed Order for an additional *Pendente Lite* hearing before the Special Master. All other *Pendente Lite* hearings shall be set before the Trial Judge.

13.02 CONTESTED DIVORCE HEARINGS

- (A) No less than ten (10) Judicial Days prior to the Final Hearing of any Contested divorce action, the Plaintiff and Defendant shall file a "Statement in Compliance with Rule 12.02," in the form shown in Appendix H attached hereto. Both parties shall attach proof of income (i.e. latest W-2, 1099, most recent tax return, or other such proof) to their Rule 12.02 Statement. All such statements shall be signed by the filing party under oath. These statements shall be considered the testimony of the parties as to the issues contained therein.

- (B) Valuations and listings of all assets and debts are mandatory. Any debt associated exclusively with a specific asset should be listed with the asset; setting out resulting equity.
- (C) Statements under this rule shall be signed by the respective party, under oath, and their counsel, if any.
- (D) Witness and Exhibit Lists for a contested divorce trial shall be filed in accordance with Rule 3.01.

13.03 NON-CONTESTED DIVORCES

- (A) Upon receipt of all documents and after the expiration of the statutorily-mandated waiting period, the Court Clerk shall review the file for compliance with all State Laws and Local Rules.
- (B) If the Clerk is satisfied that the required documents meet the requirements of Tennessee law, he/she shall forward the file to the Chancellor or Judge assigned to the case. The Chancellor or Judge shall then review the file in Chambers and, if satisfied the required documents are proper, may in his or her discretion sign the appropriate documents. The Chancellor or Judge retains the discretion to require a Court hearing in any case.
- (C) If the Clerk determines the required documents are deficient, she/he shall contact the attorney(s) or *pro se* litigants in an effort to correct the problem(s). Upon correction of any such problems, the Clerk shall then deliver the file to the Chancellor or Judge assigned to the case for review and potential entry of the appropriate documents. If the issues are not cured within five (5) business days from contact by the Clerk, the Order shall be forwarded to the Court for the appropriate action as determined by the Trial Judge.
- (D) Notwithstanding the provisions of these rules, either party may still request that a Court hearing be held in any divorce case.
- (E) Without Children:

The following shall occur before a non-contested divorce, or divorce submitted on stipulated grounds, where there are no children of the marriage, may be granted:

1. The divorce has been on file for at least sixty (60) days;
2. The parties have reached agreements as to all issues;
3. The parties have entered into a properly executed Marital Dissolution Agreement; and

4. A hearing has been scheduled (unless affidavits have been filed in accordance with this Rule).

After compliance with the above, a non-contested divorce, or divorce submitted on stipulated grounds, where there are no children of the marriage, may be granted in the following ways:

1. Upon presentation of testimony of either party by counsel for either party;
2. If neither party has counsel, upon presentation of testimony by both parties; or
3. Upon licensed counsel submitting all necessary documentation to the Clerk of the Court for review by the Chancellor.

(F) With Children:

The following shall occur before a non-contested divorce, or divorce submitted on stipulated grounds, where there are children of the marriage, may be granted:

1. The divorce has been on file for at least ninety (90) days;
2. The parties have reached agreements as to all issues;
3. The parties have entered into a properly executed Marital Dissolution Agreement;
4. The parties have entered an Agreed Permanent Parenting Plan and completed the state mandated Parenting Class.

After compliance with the above, a non-contested divorce, or divorce submitted on stipulated grounds, where there are children of the marriage, may be granted in the following ways:

1. Upon presentation of testimony of either party by counsel for either party; or
2. If neither party has counsel, upon presentation of testimony by both parties.
3. Upon licensed counsel submitting all necessary documentation to the Clerk of the Court for review by the Chancellor.

13.04 ATTENDANCE AT MEDIATION AND PARENTING CLASSES

- (A) No contested divorce shall be heard unless the parties have first attempted to resolve their contested issues before a Rule 31 Mediator, who shall report to the Court the result of the mediation in accordance with the *Tennessee Supreme Court Rule 31*. Mediation may be waived by the Court in

appropriate cases, and when the Court finds mediation should be waived pursuant to Tennessee Code Annotated T.C.A. §36-4-131.

- (B) Before a divorce may be granted to parties with minor children of the marriage at issue, both parties must attend parenting classes in accordance with orders of the Court. Where one of the two party's has not so attended this class, the final decree must provide that the party shall attend the parenting classes within sixty (60) days, except that for good cause the Trial Judge may waive the duty of a party to attend the parenting classes in very unusual circumstances.

13.05 HEARINGS IN CONTESTED DIVORCES

At the option of the Trial Judge, the Court may elect to hear the testimony of the parties first before any additional witnesses are called, or the Court may hear the proof for the Plaintiff before considering any defense proof, as in other litigation.

13.06 PROPOSED PARENTING PLANS

When a contested divorce involving parties who have minor children is scheduled for trial, the Plaintiff and Defendant shall file a proposed Parenting Plan at least ten (10) Judicial Days before trial.

When a contested divorce involving parties who have minor children is scheduled for hearing on a Motion for Default, Plaintiff shall file a proposed Parenting Plan at least ten (10) Judicial Days before the scheduled hearing.

13.07 FINAL DECREE OF DIVORCE

The Final Decree of Divorce shall provide the full names, places of employment, and addresses of the parties. Where parties have minor children, the parties must provide a statistical information sheet to the Clerk in the form shown in Appendix J attached hereto.

13.08 TERMINATION OF CHILD SUPPORT

It shall be the duty of the divorced parent who is under an order to pay child support to petition the Court for an order terminating wage assignments or other deductions for payment of support when child support should no longer be required. Such petitions can be filed *pro se* and be in the form shown in Appendix K attached hereto. When a Court Order is required or requested to terminate child support for a child, the Court must find that:

- (A) The child has attained eight (18) years of age or

- (B) If the child is in high school when he or she turns eighteen years old, whether the child has graduated high school or the class in which the child is a member has graduated.
- (C) That the child is not disabled.
- (D) That there is no past due child support owed.

The Petitioner shall be required to file a Proposed Order for Termination of Child Support in the form shown in Appendix L attached hereto.

13.09 ORDERS OF RECONCILIATION

Orders of Reconciliation entered pursuant to T.C.A. § 36-4-126, shall at a minimum contain the following language or its equivalent:

The Court hereby finds that _____ and _____ do hereby mutually stipulate that they desire to attempt reconciliation of their marriage, as evidenced by their respective signatures on this Order.

The Court, for good cause shown, does hereby approve this Order of Reconciliation and the married parties may resume cohabitating together, as spouses, without prejudice to their respective rights and without any impairment to their causes of action relating to any prior misconduct of the other party.

Should either party desire to reinstitute this cause of action, such party shall file notice with this Court with proper notice given to the other party. If such cause of action is not reinstituted within 180 days from entry of this Order, the Clerk of the Court is hereby ORDERED to enter an Order dismissing the complaint for divorce and all counter-complaints associated therewith.

RULE 14. MISCELLANEOUS

14.01 FINDINGS OF FACT AND CONCLUSIONS OF LAW

In all actions tried upon the facts without a jury, the court shall find the facts specially and shall state separately its conclusions of law and direct the entry of the appropriate judgment. The findings of a master, to the extent that the court adopts them, shall be considered as the findings of the court. If an opinion or memorandum of decision is filed, it will be sufficient if the findings of fact and conclusions of law appear therein. Findings of fact and conclusions of law are unnecessary on decisions of motions under Rule 12 or 56 or any other motion except as provided in Rules 41.02 and 65.04(6). The Court may decline to make written findings and conclusions if findings and conclusions have been stated from the bench into the record.

14.02 APPOINTMENT OF AN ATTORNEY AT LITEM OR GUARDIAN AD LITEM

Whenever it is made known to the Court, by pleading or motion, that justice requires the representation of a Guardian Ad Litem and or Attorney Ad Litem of a party, the Court will appoint such representation. Counsel shall submit an Order of Appointment to the Clerk, leaving the name of the individual to be appointed blank. The Clerk shall confer with the trial judge to determine the individual to be appointed. Costs associated with the appointment of such an individual shall be apportioned and taxed by the sitting Judge.

14.03 INVESTING OF FUNDS PER COURT ORDER

The Clerk's office shall invest litigant's funds paid into court only if there is a court order directing them to do so. The funds shall be deposited in a federally insured deposit account. At the time of payment or when the order is entered, if later, it shall be the **DUTY OF THE ATTORNEY** seeking investment of funds to specifically notify the Clerk receiving payment that the funds are to be invested and to provide an IRS form W-9 to the Clerk's bookkeeping department for the party responsible for tax liability. Funds shall not be withdrawn without an Order of the Court.

14.04 MEDIATION IN CASES OTHER THAN DIVORCE CASES

Upon agreement of the parties or upon order of the court, any matter may be referred to a Mediator for a potential resolution of the issues in that cause. The costs of any alternative dispute resolution proceeding, including the costs of the services of the Rule 31 dispute resolution Mediator may be charged as court costs at the Mediator's request.

14.05 DISMISSAL FOR FAILURE TO PROSECUTE

Whenever a cause has remained on the docket for twelve (12) months or more without steps being taken by the plaintiff to dispose of the cause, the opposing parties shall be entitled, upon motion with service to all parties, to request the court for a dismissal of the cause with prejudice at plaintiff's costs. The Court may on its own motion dismiss the case.

14.06 MEDIA

The photographing, recording, broadcasting, or televising of any judicial proceeding is controlled by the media guidelines and rules set forth in Tennessee Supreme Court Rule 30. This rule is hereby incorporated by reference.

14.07 AUDIO-VISUAL RECORDINGS

- (A) Audio-Visual Recordings. Clerks of the Court and the Clerk & Master may record court proceedings (using any audio or audio-visual recording medium) for purposes of a court's judicial and/or administrative deliberation process. Unless otherwise ordered by the affected court, no court will utilize such recordings as the official record on appeal, nor shall any court be required to maintain an exhibit list and trial log with respect to such recordings. The Clerks of the Court and Clerk and Master shall not file or certify such recordings as part of the record on appeal unless directed to do so by the court from which appeal is taken.
- (B) Access to Audio-Visual Recordings. No one except Judges, Chancellors, and full-time court staff shall have access to audio or audio-visual recordings made pursuant to the above subsection (a), absent written authorization from the affected Judge or Chancellor. Pursuant to Tennessee Supreme Court rule 34(2)(C), such recordings are not public records and shall not be open for inspection by members of the public.
- (C) Exception to Criminal Preliminary Hearings. Notwithstanding (A) and (B) above: In criminal proceedings, the recording of a preliminary hearing (if any) shall be made available upon request to the State, the defendant, and defense counsel. This rule does not entitle any party to such a recording, and there shall be no remedy available to any party in the event that such recording is not unavailable or inaudible. The Clerk shall charge a \$20.00 fee to produce a CD-ROM or USB drive with the recording, except that this fee shall be waived as to indigent defendants.

14.08 APPOINTMENT OF A SPECIAL MASTER

The Chancery and Circuit Courts of the Twenty-Fourth Judicial District hereby authorize the use of Special Master's pursuant to T.C.A. §§ 16-16-201 and 17-2-123, together with T.R.C.P. 53.02.

PART B: RULES IN COURTS EXERCISING CRIMINAL JURISDICTION

RULE 15. PETIT AND GRAND JURIES AND CRIMINAL PROCEDURE

15.01 SELECTION OF GRAND AND PETIT JURIES

Unless otherwise determined by the Presiding Judge, Grand Juries are to be empaneled as follows:

- Benton County – ** 1st Monday of February, June and October
- Carroll County - ** 1st Monday of January, May and September
- Decatur County - 3rd Tuesday of January, May, and September
- Hardin County – 3rd Monday of March and July, and 2nd Monday of November
- Henry County - ** 1st Monday of March, July and November

**** Unless a holiday falls on the first Monday of the month and then they meet the first Tuesday.**

The Grand Jury shall consist of twelve qualified jurors, the Grand Jury Foreperson, and a sufficient number of qualified alternates to serve in this capacity for a period of that Grand Jury.

15.02 EXTRAORDINARY INTERLOCUTORY RELIEF

All special requests for extraordinary interlocutory relief in unindicted and unassigned cases awaiting Grand Jury action shall be presented to the Judge where the case will eventually be assigned, according to the policy and procedure of the office of the Circuit Court Clerk.

15.03 PROCEDURE AFTER INDICTMENT

- (A) All felony and misdemeanor cases having been the subject of indictment will be arraigned pursuant to the docket schedule of the judicial division that is assigned the case. The Court will be available for settlements, criminal motions, sentencing hearings, and other necessary criminal matters as time may permit.
- (B) At arraignment, all cases shall be governed by the Court's scheduling order. The deadlines contained therein shall govern filing deadlines absent an appropriate motion and ruling by the court. For good cause shown, or *sua sponte* action by the Court, any deadlines may be extended.

15.04 PLEA DAYS

Plea days for both felonies and misdemeanors shall take place on or before the "Appearance Date" set by the Court in the Scheduling Order. No plea shall be accepted on the date of trial other than to the indicted charge(s) unless good cause can be shown otherwise and at the discretion of the Judge.

RULE 16. PROCEDURE IN CRIMINAL CASES BOUND OVER OR APPEALED FROM COURTS HAVING GENERAL SESSIONS JURISDICTION

All cases in which prosecution was initiated by a criminal warrant shall be set, pursuant to Rule 5 of the Tennessee Rules of Criminal Procedure, in the General Sessions Court. Misdemeanor cases may be resolved by plea, nolle, dismissal, or bench trial. Felony cases and misdemeanor cases that are not resolved in General Sessions Court will be bound over to the Grand Jury following either a preliminary hearing or by written waiver. If the Grand Jury fails to act on the case of a defendant in custody that has been bound over to the Circuit Court at its next regular session, the Clerk shall notify the Court that the individual is being held unindicted, and the Court may appoint counsel to represent the individual. The District Attorney must be given at least five (5) days' notice regarding any motions filed concerning any unindicted individual who is being held.

RULE 17. BAIL BONDS

17.01 GENERAL

These Rules shall be applicable in all Courts of record in the 24th Judicial District of Tennessee exercising criminal court jurisdiction. Bail bonds may be made in any of the following ways:

- (A) a qualified approved professional bondsman.
- (B) a cash bond.
- (C) a property bond (see Rule 17.10).

17.02 PETITIONS FOR APPROVAL OF NEW COMPANY

- (A) The Judges of the courts of record exercising criminal court jurisdiction shall sit en banc as needed and consider for approval each company who petitions the Court for permission to write bonds in the 24th Judicial District.
- (B) The Petition shall contain the following information:
 - 1. the business name, street address and telephone number of the bonding company office.
 - 2. a copy of the business license issued for the bonding company;
 - 3. a copy of the bonding entity's agents school certificate (annually with first semi-annual report only);
 - 4. a copy of an Oral Fluid Testing drug screen of each owner, and each prospective agent, as required by the court to be conducted by a certified facility, and which shall be performed within forty-eight (48) hours of the date of filing the petition for permission to write bonds, and petitioners are responsible for the cost of testing;
 - 5. a copy of all organizational documents (e.g., corporate charter, partnership agreement, etc.) and all other agreements or documents pertaining to the identity of the owners and interest holders in the said

company, the distribution of profits from the said company, the source of all funds used to establish the company, and the names of those persons who will be personally liable for forfeiture judgments;

6. list of all disciplinary actions, such as suspension or termination as a bonding capacity; and
7. identify the funds and source of said funds to be filed with the Clerk to establish the bonding capacity; and
8. any officer or owner of a bonding company must attach a sworn statement under oath and penalty of perjury from each individual stating the following:
 - i. a list of all prior criminal convictions and all other information required by Tennessee Code Annotated (T.C.A.) §40-11-317;
 - ii. describe all relationships to any other bond company owner, interest holder, or agent of a bail bond company authorized to do business in the 24th Judicial District;
 - iii. a statement as to whether such people have ever been an owner, interest holder, or agent of a bail bond company authorized to do business in the 24th Judicial District;
 - iv. a statement as to whether such people are related, by blood or marriage, to any person who works for the Circuit Court Clerk, the Sheriff's Department, or any Chancellor or Judge of the 24th Judicial District; and
 - vi. a statement that officers or owners of the bonding company and its proposed agents have read and are aware of the requirements of Tennessee Code Annotated (T.C.A.) §40-11-301, et seq. and §40-11-401, et seq., pertaining to the rules governing professional bonds persons, the requirements for continuing education, and the Rules of this Court governing bonding companies.

(C) Applications for new bonding companies AND new agents must comply with the following:

1. Owner of a new bonding company must have at least two (2) years experience with a bonding company prior to applying;
2. Obtain Tennessee Bureau of investigation (TBI) Form from the Circuit Court Clerk's office;
3. Submit completed application with the report of criminal history conducted by the TBI for a nationwide record check based upon the submitted fingerprints of each agent and owner of the bonding company (at the expense of the bonding agency); and
4. Regulations for new agents are the same as Rule 17.02 (A) and (B).

(D) All petitions for approval of a new company shall be served upon the District Attorney General at least two (2) weeks prior to the hearing on the petition

and shall be heard by the judges of the courts of record exercising criminal court jurisdiction, sitting en banc as needed. The District Attorney General or his designee or the Sheriff's Department shall conduct a criminal history and background investigation of the owner of the bonding company and its agents. The results of this background investigation shall be furnished to the Court at least one (1) week before the date of the en banc qualification hearing. The applicant shall submit to a criminal history background check by the Tennessee Bureau of Investigation, pursuant to Tennessee Code Annotated (T.C.A.) §38-6-109. The applicant shall be responsible for any fees for the criminal history background check. The results shall be submitted to the Circuit Court Clerk at least one (1) week before the date of the qualification hearings. The District Attorney General or his designee shall be present and represent the State of Tennessee at the qualification hearing. The petition shall have an attached affidavit disclosing the criminal, history and all criminal charges, if any, of the petitioner. If the affidavit is found to be inaccurate, the petitioner shall be immediately disqualified as a professional bonding person.

- (E) All petitions for new agents of existing companies shall be approved or denied at the discretion of the Presiding Judge or his/her designee, in accordance with these Local Rules and the laws of the State of Tennessee.

17.03 COLLATERAL

- (A) From the effective date of these rules, any person or company filing a petition for approval to open a professional bail bond company in the 24th Judicial District is required to post a minimum of Seventy-Five Thousand Dollars (\$75,000.00) in cash, or by pledge of a Certificate of Deposit in the sum of not less than Seventy-Five Thousand Dollars (\$75,000.00) in the joint names of said bonding company and the Circuit Court Clerk, and/or by way of an Investment Certificate pursuant to the provisions of T.C.A. § 40-11-302(h) with the Circuit Court Clerk of the County as security for bonds written. The Certificate of Deposit and/or Investment Certificate shall be retained and secured in the office of the Circuit Court Clerk of the appropriate county.
- (B) The bonding company must obtain prior written approval from the Court before the bonding company will be allowed to post any additional security exceeding the minimum cash deposit to increase its bonding capacity.
- (C) Collateral posted as security with the Clerk may not be withdrawn or applied to satisfy a forfeiture judgment except upon notice to the District Attorney General and upon Order of the Court.

- (D) Any bonding company approved by the Court may write bonds in the amount equal to 10 times the amount of collateral pledged.
- (E) No bonding company shall be allowed to write any one single or blanket for an individual defendant in excess of twenty percent (20%) of its available bonding capacity as determined by the Clerk on a quarterly basis.

17.04 FORFEITURES

- (A) A bonding company shall not be allowed total outstanding forfeitures in the General Sessions Courts and the Circuit Courts of the 24th Judicial District to exceed more than fifty percent (50%) of the amount of collateral posted with the Clerk.
- (B) Bonding companies which have exceeded their forfeiture limit at the time of the quarterly report prepared by the Clerk shall be removed from the approval list, and the Clerk shall immediately notify the Court, the Sheriff, and the District Attorney. The bonding company shall not be allowed to write any addition bail bonds until the forfeitures are again within the company's allowable limits and upon Order from the Court.
- (C) If there is a discrepancy between the records of the bail bond company and the Circuit Court Clerk's office, the records of the Circuit Court Clerk's office will be presumed correct, unless the presumption of correctness is overcome by the submission of supporting documentation by the bail bond company.
- (D) Any misrepresentation on any application form regarding financial worth, cases outstanding, forfeitures, dates of forfeitures, or the status on the payment of forfeitures will be cause for immediate removal from the approved bonding list of the Court in the 24th Judicial District.
- (E) Upon any forfeiture becoming final, the professional bail bonding entity approved in this District will be required to pay the bond in full, plus any and all court costs within thirty (30) days of the date that the forfeiture becomes final without further action of the Court (Tenn. Code Ann. 40-11-139(b)). Should a professional bail bonding company entity refuse or neglect to pay the forfeiture in full within thirty (30) days, it will be immediately suspended and barred from making further bonds, and Court will issue the appropriate judgment to collect a said outstanding bond as provided by law or to liquidate the Certificate of Deposit or other collateral to satisfy the forfeited bond.

- (F) Upon a forfeiture becoming final and timely paid, the bonding entity may apply for the return of bond, proceeds if the defendant is incarcerated within Tennessee within thirty (30) days of the forfeiture becoming final.
- (G) In order to facilitate the determination of the owner of any funds remitted to a bail bond company entity after having been granted relief pursuant to Tennessee Code Annotated (T.C.A.) §40-11-204 on forfeitures paid in, any monies paid into the Office of the Circuit Court Clerk due on forfeitures taken shall be paid only by case or by a single check written on the account of the surety or its owner. The Circuit Court Clerk shall not accept payment for any forfeiture by personal check written on the account of any other party, nor shall the Clerk take payment by multiple checks drawn on different accounts.

17.05 COMPANY CHANGES

- (A) The bonding company must notify, in writing, the Circuit Court Clerk of any change to a bonding company's address or telephone number from that documented in the original qualifying petition. Written notice of any such changes shall be provided to the Clerk's office within ten (10) days of said changes.
- (B) Any changes to a bonding company's name, ownership, or agents as submitted in the original petition must be submitted in writing with ten (10) days of said changes and approved by Order of the Court thereafter.
- (C) Any change of more than 10% in financial net worth of any company or asset pledged to secure any bond submitted to the Court must be corrected and filed with the Clerk immediately upon occurrence.
- (D) Notice of any changes in the employment status of agents must be submitted in writing with ten (10) days of said change.
- (E) Any owner or agent of an approved bonding company shall immediately notify the Court of any arrest or the filing of criminal charges involving the owner or agent, or the filing of any civil action including bankruptcy and an order of protection, where the owner or agent is a party to this action.
- (F) Failure to comply with the notice requirements in this section will be cause for immediate removal from the approved bonding list of the Court in the 24th Judicial District.

17.06 ACTIVITIES OF QUALIFIED BAIL AGENTS

- (A) In addition to criminal sanction elsewhere provided by law, the following are deemed unprofessional conduct, and no bondsman or surety agent shall;

1. suggest or advise the employment of, or name for employment, any particular attorney to represent the bondsman's principal.
2. pay a fee or rebate, or give or promise anything of value to any clerk of court, jailer, police officer, peace officer, committing magistrate or any other person who has power to arrest or hold in custody, or to any public official or public employee in order to secure a settlement, compromise, remission or reduction of the amount of any bail bond or the forfeiture of the bail bond;
3. pay a fee or rebate or give anything of value to an attorney in bail bond matters except in defense of any action on a bond.
4. pay a fee or rebate or give or promise anything of value to the principal or anyone in the principal's behalf;
5. participate in the capacity of an attorney at a trial or hearing of one on whose bond the person is a surety;
6. solicit business directly or indirectly, by active or passive means, or engage in any other conduct which may reasonably be construed as intended for the purpose of solicitation of business in any place where prisoners are confined or in any place immediately surrounding where prisoners are confined;
7. surrender a principal or ask any court to be relieved from a bail bond arbitrarily or without good cause;
8. accept anything of value from a principal except the premium, provided that the bondsman shall be permitted to accept collateral security or other indemnity from the principal which shall be returned upon final termination of liability on the bond. When a bail bondsman accepts, collateral, the bondsman shall give a written receipt for the collateral, and this receipt shall give in detail a full description of the collateral received and the terms of redemption; or
9. engage in the business of a professional bondsman or surety without maintaining a permanent business office, business telephone and appropriate signage indicating that the office is a professional bail bond business.

- (B) No bonding company employee or agent shall initiate contact with a defendant's family member to obtain business. Contact with a defendant, who is a potential client will be allowed only after the bonding company has been contacted by the defendant or someone authorized to act on behalf of a defendant.
- (C) All agents or employees of a bonding company shall conduct themselves in accordance with all the rules and orders of the Sheriff and Circuit Courts of the 24th Judicial District while performing required duties within such buildings.

- (D) A bonding company shall notify the defendant of each court appearance.
- (E) All records required by these rules shall be maintained and open to inspection upon written Order of the Court. A request to inspect such records may be initiated by the District Attorney or his designee by written request to the Presiding Judge. The request shall specify the records requested and the basis for the request. The request shall be ordered by the Judge for good cause shown.

17.07 PREMIUMS

As provided by Tennessee Code Annotated T.C.A. § 40-11-126, no bonding company or agent shall accept anything of value from a principal or anyone acting on their behalf except the authorized premium and initiation fee as set out in Tennessee Code Annotated T.C.A. § 40-11-316 and as described in the bond contract. If any property other than cash (or other negotiable instrument) is accepted for the premium, that agent shall notify the Presiding Judge and the District Attorney General in writing.

17.08 REPORTS AND REQUIRED RECORDS

- (A) It shall be the responsibility of the bonding company to certify that all bonds are fully completed upon the release from custody of the defendant-principal from custody. All bail bond contracts, written undertakings, and bond powers shall:
 - 1. contain the name, address (Including any apartment number) and zip code of the defendant typed or legibly printed thereon. It shall be the obligation of the bonding company to notify the Clerk of any change of address of the defendant;
 - 2. signed by the agent making said bond;
 - 3. have the name of the bonding company boldly and legibly stamped or printed thereon.
 - 4. identify the property used to pay the premium and initiation fee as well as any other property received as collateral for said bond; and
 - 5. include a copy of a photo identification of all persons (Including the defendant/principal) delivering such premiums, fees or collateral to the agent, if the bond is Seventy-Five Thousand Dollars (\$75,000.00) or more;
- (B) Any bonding company authorized by the Court to execute bail or bonds securing fines and cost, shall file with the Circuit Court Clerk a semi-annual financial report pursuant to Tennessee Code Annotated (T.C.A.) §40-11-303. The semi-annual report shall be an attested filing subject to prosecution for perjury. Such reports shall include, but are not limited to, a

listing of:

1. all outstanding bonds and their amounts ending with the month of the report;
 2. the name of each defendant, the bail bond book page number, the date the bond was made, the name of the agent signing the bond book, the amount of the bond and the case number assigned by the Clerk for the court that issued the warrant or capias;
 3. all forfeitures and their amounts;
 4. all disciplinary actions such as suspension or termination as a bonding person or agent; and
 5. the quarterly report shall be an attested filing subject to prosecution for perjury.
- (C) Upon failure of any bonding company to file the required semi-annual report, or any other record or document required by statute or these Local Rules, the Circuit Court Clerk shall notify the Presiding Judge who shall suspend and remove the company from the approved list. The Presiding Judge shall issue a written order to immediately terminate the bail bond company's authority to execute bonds in the 24th Judicial District. Thereupon, the bond company shall not be allowed to write any bonds until such time as all the requirements of the semi-annual report have been satisfied and the bonding company has been reinstated by the Presiding Judge in a written order. In the event the bonding company disputes the suspension, the bonding company may petition the Court for a hearing to reconsider the suspension.

17.09 SUSPENSION OF BONDING COMPANY OR AGENT

- (A) Every bonding company acts as an agent of the Court, and the conduct of the bonding company constitutes an integral part of the operation of the Court. The Court may impose any limits and conditions necessary to ensure the professional standing and reliability of the bonding company. Such measures, if any, shall be made in the public interest to avoid a conflict of interest or an appearance of impropriety on the part of the bonding company. Pursuant to the provisions of Tennessee Code Annotated (T.C.A.) §40-11-125 and §40-11-126, the Court may take appropriate disciplinary action including the withholding, suspension or termination of the approval to do business as a bail bond company or agent if it appears to the Court that it is in the best public interest to take such action. For good cause, the Court may issue a restraining order, writ or other process without notice to the company if deemed necessary in the public interest.
- (B) Pursuant to the provisions of Tennessee Code Annotated (T.C.A.) §40-11-125 and §40-11-126, the Court may take appropriate disciplinary action including the withholding, suspension or termination of approval for a

bondsman to act as an agent for an approved bonding company, if the agent:

1. has been convicted of a crime of dishonesty, any felony or any alcohol or drug related offense;
2. fails to submit to a drug screen as requested by the Court or fails to provide proof of successful drug screens as mandated in the semi-annual reports;
3. tests positive for any illegal substance by a drug screen requested by the Court, and the owner of the bonding company must notify the Court immediately of any failed drug screens by any owner or agent of the bonding company;
4. authorized a bond which has a final judgment of forfeiture entered against the bonding company that remains unsatisfied. If a bonding company fails to satisfy payment of a final judgment, the bonding company shall be suspended immediately from the list of qualified bonding companies. The bonding company shall remain suspended unless reinstated upon Order from the Court.
5. has failed to comply with any local rules; or
6. is guilty of any unprofessional conduct that includes, but is not limited to:

17.10 INDIVIDUAL BONDS/PROPERTY BONDS

- (A) The Sheriff shall not accept bail in any case where the defendant's bail has been set by the Circuit Court in an amount greater than \$75,000.00, unless and until the Court holds a "source hearing" pursuant to Tennessee Code Annotated § 39-11-715 and approves the source of the funds. The Sheriff will also not accept bail for any defendant where bail has been set greater than \$25,000, if the District Attorney's Office request a source hearing for the Defendant.
- (B) Any individual who desires to post a real property bond pursuant to Tennessee Code Annotated (T.C.A.) §40-11-122 shall submit a current insured title opinion letter by an attorney approved by the Clerk identifying said real property and reflecting any encumbrances thereon. The appraised value or equity of the property must equal one and one-half times the amount of the bond. The property owner providing said surety must comply with all regulations as set forth by the Office of the Circuit Court Clerk. If the bail bond is secured by real estate, the defendant or the defendant's surety shall execute a deed of trust conveying the real estate in trust to the Clerk who shall immediately file the deed of trust in the office of the register of the county in which the real estate is situated. The costs of preparation of the deed of trust and recordation shall be paid by the defendant.

- (C) Upon release from custody, or at first appearance to booking authorities upon receipt of a citation, the Clerk shall notify the defendant in writing of the initial court appearance. The Clerk shall retain proof of such notification. Each defendant shall provide to the Clerk before release on a property or cash bond an address where notification of a court date may be delivered. It shall be the responsibility of the defendant to notify the Clerk of any change of address.

17.11 REPRESENTATION OF INCORPORATED BONDING COMPANIES

- (A) Any bail bonding company, that is organized as a corporation or a limited liability company, must be represented by licensed legal counsel to make appearances, file petitions, file responsive pleadings, or take any other actions before the Court as contemplated by Tennessee Code Annotated (T.C.A.) §40-11-101, et seq., §40-11-201, et seq., and §40-11-301, et seq.
- (B) Pursuant to Tennessee Code Annotated (T.C.A.) §40-11-302(f), an individual sole proprietor professional bondsman, or the bondsman's agent, as an officer of the court, shall be permitted to answer court, surrender a defendant based upon one (1) or more of the grounds set forth in Tennessee Code Annotated (T.C.A.) §40-11-132, obtain an extension of time, or respond to a court's request for information without the necessity of obtaining legal counsel.

RULE 18. COUNSEL AND DEFENDANT'S PRESENCE AT ARRAIGNMENT AND SUBSEQUENT TO ARRAIGNMENT

18.01 ARRAIGNMENT MOTION AND ORDER

- (A) If unrepresented, personal attendance is required. Defendants represented by counsel that have filed a notice of appearance, may be excused from personal appearance at arraignment upon defense counsel filing an appropriate motion and waiver signed by the defendant along with a proposed order.
- (B) The Court strongly encourages defendants that are financially able to hire an attorney to do so before posting bond. Upon retained counsel filing a notice of appearance, the Court will promptly consider any motion to lower the bond amount. A motion to reduce bond, may be resolved by the Court via a conference call with defense counsel and the Assistant District Attorney assigned to the matter and agreed order.

18.02 REQUESTS TO WITHDRAW AS COUNSEL

Any attorney filing a notice of appearance in a Circuit Court criminal matter will not be relieved, absent a conflict or other good cause. A defendant's failure to maintain contact with defense counsel and/or failure to pay any negotiated fee to the attorney shall not be grounds to be relieved from representation of a defendant.

RULE 19. APPOINTMENT OF ATTORNEY FOR INDIGENT DEFENDANT(S)

Those persons who seek a court appointed attorney on the basis of indigency must notify the Court at their initial court appearance. If the Court determines that a defendant is indigent, the Court will appoint an attorney to represent that defendant at arraignment or as soon thereafter as possible, and an order will be entered appointing that attorney.

RULE 20. DISCOVERY IN CRIMINAL CASES

In all criminal matters the parties are required to follow the provisions of Rule 16 of the Tennessee Rules of Criminal Procedure, the same being incorporated by reference verbatim.

RULE 21. NEGOTIATED PLEA AGREEMENTS

21.01 PLEA AGREEMENT PROCEDURES

The Twenty-Fourth Judicial District of Tennessee hereby adopts and incorporates by reference verbatim Tenn. R. Crim. P. Rule 11. Moreover, in accordance with Tenn. R. Crim. P. Rule 11 no plea shall be binding on the Court.

21.02 NOTICE TO VICTIMS

In cases where Tennessee Code Annotated T.C.A. § 40-38-101 applies, the court may refuse to accept the plea unless the prosecuting attorney states on the record that he or she has, before the plea, communicated with the victim regarding the plea or made a good faith effort to communicate with the victim.

RULE 22. MOTIONS PRIOR TO TRIAL

22.01 PRE-TRIAL MOTIONS

All pre-trial motions, except motions regarding discovery under Tenn. R. Crim. P. Rule 16 shall be filed pursuant to the scheduling order that the court sets out. All pre-trial motions shall be accompanied by a memorandum and shall include the certification required by Tenn. R. Crim. P. Rule 49. **Copies of motions filed with the Court shall also be emailed to the Judge's office at the time of filing.**

Chancellor Vicki H. Hoover
Legal Assistant Rosann Walters
Email - Rosann.Walters@tncourts.gov

Judge Bruce I. Griffey
Legal Assistant Pam Wade
Email - Pam.Wade@tncourts.gov

Judge J. Brent Bradberry
Legal Assistant – Kristy Edgin
Email - Kristy.Edgin@tncourts.gov

22.02 MOTIONS IN LIMINE

Motions in limine shall be filed at least ten (10) Judicial Days prior to the trial unless otherwise ordered by the Court and must be heard before the trial date, absent a showing of good cause.

22.03 RESPONSIBILITIES OF JUDGES AND CLERKS

The trial Judges exercising criminal jurisdiction for 24th Judicial District will designate motion days. Counsel for any party may submit a request to the Court, with a courtesy copy to the Clerk, to set any motion, or other criminal matter requiring a brief period of time for a hearing on any predesignated criminal court day.

22.04 MOTIONS FOR MENTAL EVALUATION

If counsel discovers a reasonable basis to believe his or her client was incompetent at the time of the offense or is incompetent to assist in his or her defense, this fact is to be made known immediately to the Court by written motion seeking a mental evaluation.

THESE RULES HAVE BEEN ADOPTED AND APPROVED BY THE FOLLOWING:

Vicki H. Hoover
CHANCELLOR VICKI H. HOOVER

6-9-23
Date

Brent Bradberry
JUDGE J. BRENT BRADBERRY

6/9/23
Date

Bruce I. Griffey
JUDGE BRUCE I. GRIFFEY

6/9/23
Date

APPENDIX A
IN THE CHANCERY COURT FOR HENRY COUNTY, TENNESSEE
AT PARIS

_____	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. _____
	)	
_____	)	
	)	
Defendant.	)	
	)	

ORDER FOR PRETRIAL CONFERENCE

WHEREAS, the above-styled cause is at issue, and it appears to the Court that a trial by jury has been demanded and set for _____, a Pre-trial Conference shall be conducted, attended by counsel with full authority: to make disclosure of facts; admit and stipulate to undisputed facts; advise the Court on the proper number of jurors and alternate jurors to be empaneled; discuss the number of preemptory challenges that will be awarded for the purpose of voir dire; waive requirements of formal proof of documents; furnish the names and addresses of witnesses and the nature of their testimony; submit documentary proof, photographs and other proposed exhibits; argue any motions not previously decided; discuss points of law and submit trial briefs thereon, and address jury instructions to be requested by the Court, thereby enabling the entry of a pre-trial order setting out the nature of the case, theories of the parties, the admitted facts, the ultimate facts that will be disputed; and it appearing proper to the Court,

IT IS THEREFORE ORDERED:

- (a) That the parties shall appear for a Pre-Trial Conference on _____, 20__ at _____ a.m./p.m. before the Court at _____;
- (b) That each party, unless appearing pro se, shall be represented at the Pre-Trial Conference by counsel who will conduct the trial or by co-counsel with full knowledge of the case and with authority to bind such party, ready and able to address all of the issues listed above;
- (c) That in the event of the failure of counsel (or pro se party) to appear, pursuant to this Order, an exparte hearing shall be held and an appropriate judgement rendered or dismissal ordered, unless continued, pursuant to a request made at least 48 hours in advance, for good cause shown;
- (d) To prepare for the Pre-Trial Conference, each party shall mail/email/fax/hand-deliver to the other party, email the Judge's Office Staff at _____, and file with the Clerk's Office no later than five (5) Judicial Days prior to the Pre-Trial Conference, the following:
 - 1. A concise factual statement of his/her client's claim and/or defense, including specification of all damages claimed, if any;

2. A list of names and addresses of all non-expert witnesses who are expected to testify at the trial of this cause, and identify any witness requesting to appear telephonically or virtually;
3. A list of names and addresses of all expert witnesses expected to testify at trial of this cause, and identify any expert requesting to appear telephonically or virtually; the expert witness list should include the expert's area of expertise, a copy of any reports prepared by the expert, any answers to the expert interrogatories or, if none exist, a summary of testimony the expert expects to provide;
4. A list of proposed exhibits with each exhibit marked for identification;
5. A list of proposed pattern jury instructions and separate special instructions to be requested, and
6. A proposed verdict form;
7. Stipulate as to any matter of fact or law about which there is no issue;

Counsel for the parties are strongly encouraged to collaborate with one another in order to submit items five and six as a joint proposal.

- (e) That counsel shall file no later than five (5) Judicial Days prior to the Pre-Trial Conference any and all Motions in Limine and be prepared to argue those on the date of the Pre-Trial Conference. Further, counsel shall be prepared to argue any objections to portions of the deposition testimony, or proposed exhibits.
- (f) Any motions, excluding motions in Limine, not argued prior to the Pre-Trial; Conference shall be deemed abandoned.
- (g) Counsel shall complete all discovery, including independent medical examinations, at least 15 days prior to the first day of trial. Discovery conducted after this time period shall only be permitted by order of the Court for good cause shown.
- (h) All provisions of this Order that require compliance by counsel are likewise applicable to any party appearing pro se.
- (i) Failure to comply with the requirements of this Order subject counsel and parties to such sanctions as the Court determines just and proper under the circumstances.

IT IS SO ORDERED, this the _____ day of _____, 20__.

CHANCELLOR/JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Order has been sent via U.S. Mail, postage prepaid, first class to the following individuals at their respective addresses this the _____ day of _____, 20__.

APPENDIX B
IN THE CHANCERY COURT FOR HENRY COUNTY, TENNESSEE
AT PARIS

	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. _____
	)	
	)	
	)	
Defendant.	)	
	)	

ORDER

The above referenced matter is hereby set for a trial by jury beginning on the ____ day of _____, 20__ at _____ a.m./p.m. in the _____ Courtroom. Said trial is expected to last ____ day(s), ending on the ____ day of _____, 20__.

Chancellor/Judge

Certificate of Service

I, the undersigned, do hereby certify that a true and correct copy of the foregoing was sent via U.S. Mail, postage prepaid to those individuals listed below on this the ____ day of _____, 202__.

APPENDIX C
IN THE CHANCERY COURT FOR HENRY COUNTY, TENNESSEE
AT PARIS

	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. _____
	)	
	)	
	)	
Defendant.	)	
	)	

WITNESS AND EXHIBIT LIST

Comes now _____, by and through their counsel of record and respectfully gives notice of his/her intent to call the following witnesses and potentially enter the following exhibits at the hearing scheduled for _____ at _____ a.m./p.m.

WITNESSES

1. _____
2. _____
3. _____

EXHIBITS

1. _____
2. _____
3. _____

All of the above listed exhibits are available for inspection or copying at the Law Office of _____ between the hours of _____ and _____.

Further, counsel reserves the right to call any witnesses and or use any exhibits tender by opposing counsel in the hearing.

Respectfully submitted,

Certificate of Service

I, the undersigned, do hereby certify that a true and correct copy of the foregoing was sent via U.S. Mail, postage prepaid to those individuals listed below on this the _____ day of _____, 202__.

APPENDIX D
IN THE CHANCERY COURT FOR HENRY COUNTY, TENNESSEE
AT PARIS

	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. _____
	)	
	)	
	)	
Defendant.	)	
	)	

ORDER APPOINTING SPECIAL MASTER

This cause came to be considered by the Court, *sua sponte*, upon consideration of a request for an interim order pertaining to one or more of the *Pendente Lite* issues identified in Rule _____ of this Court's Local Rules. The Court has considered the needs of the parties and it appearing proper:

IT IS HEREBY ORDERED that reference is hereby made to the Honorable _____, Clerk and Master for Henry County, a member of the _____ County Bar Association, and Mr. /Ms. _____ is hereby appointed Special Master in accordance with the provisions of Rule 53 of the *Tennessee Rules of Civil Procedure*. The Special Master shall conduct a hearing on any interim issues in the above styled case, and render his report as provided in *Tennessee Rules of Civil Procedure* Rule 53.04.

IT IS FURTHER HEREBY ORDERED, in matters involving children, the Special Master shall issue a temporary parenting plan pursuant to T.C.A. § 36-6-403, which plan shall be followed until such time there is a hearing on any objection, or until the Trial Judge adopts the report, modifies the report,

rejects the report in whole, rejects the report in part, receives further evidence, or recommits the report with instructions.

IT IS FURTHER HEREBY ORDERED, objections to the Report of the Special Master may be made to the Court in accordance with Rule _____ of this Court's Local Rules.

IT IS FURTHER HEREBY ORDERED, any Temporary Restraining Order previously issued in this matter shall remain in effect pending further orders of this Court.

Entered this the _____ day of _____, 2023.

Vicki Hoover, Chancellor

APPROVED FOR ENTRY

Attorney's name & BPR number
Street Address
City, State, Zip Code
Telephone Number

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been sent by U.S. Mail, postage prepaid, first class to the following:

On this the _____ day of _____, 202__.

NAME

APPENDIX E
IN THE _____ **COURT OF** _____ **COUNTY, TENNESSEE**
AT _____

_____	)	
Plaintiff,	)	
	)	
v.	)	Case No. _____
	)	
_____	)	
Defendant.	)	

STATEMENT OF ISSUES, INCOME, AND EXPENSES

ISSUES: The contested issues in this cause include: (check all that apply)

- _____ Grounds for Divorce
- _____ Division of Co-Parenting Time with Children
- _____ Payment of Child Support
- _____ Division of Property
- _____ Payment of Debts
- _____ Payment of Alimony
- _____ Division of Retirements or Other Assets Requiring Entry of a QDRO
- _____ Payment of Attorney's Fees
- _____ Payment of Court Costs

INCOME: It is mandatory to attach payroll records, leave earning statement from the military, or other proof of income for the past six (6) most recent pay periods. If such income information is not available, then the past two (2) years of tax returns and all schedules are required to be attached.

I. INCOME	
a. Employer's Name	
b. Employer's Address	
c. Monthly Gross Income	\$
d. Monthly Federal Tax Deduction	-\$

e. Monthly FICA Deduction	- \$
f. Other Deductions (describe)	- \$
g. Other Income (from any source)	\$
h. Net Monthly Income (a - d - e - f + g)	\$
II. OTHER HOUSEHOLD RESIDENTS (other than minor children)	
a. Name: Relationship to Party: Net Income:	Total Net Income of Other Household Residents: \$
b. Name: Relationship to Party: Net Income:	
III. HEALTH INSURANCE INFORMATION	
a. Provided by employer? Yes/No	If yes: Cost: \$
b. Self-Employed/Provide Own Insurance: Yes/No	If yes: Cost: \$
c. No Health Insurance Coverage? Yes/No	
d. List all persons covered under any existing health insurance plan:	
IV. HOUSEHOLD MONTHLY EXPENSES	
a. Mortgage (PITI)/Rent	\$
b. Real Estate Property Taxes	\$
c. Personal Property Taxes	\$
d. Homeowner's Insurance	\$
e. Repairs/Maintenance	\$
f. Furniture/Furnishings	\$
g. Electricity	\$
h. Gas/Heating Oil	\$
i. Water/Sewer	\$
j. Telephone (home phone and cell phone)	\$
k. Trash Service	\$
l. Cable/TV	\$
m. Groceries	\$
n. Meals Out	\$
o. Other (describe)	\$
	TOTAL: \$
V. AUTOMOBILE EXPENSES	
a. Automobile Payment	\$
b. Gasoline	\$
c. Auto Repair/Maintenance	\$
d. Auto Insurance	\$
e. Tags/Inspection, etc.	\$
f. Other (describe)	\$

	TOTAL \$
VI. CLOTHING	
a. New (excluding children)	\$
b. Cleaning/Laundry	\$
c. Uniforms	\$
	TOTAL \$
VII. INSURANCE/HEALTH EXPENSES	
a. Medical/Health Care (not covered by insurance)	\$
b. Dental Expenses (not covered by insurance)	\$
c. Prescription Medications (not covered by insurance)	\$
d. Optical Expenses (not covered by insurance)	\$
e. Life Insurance	\$
f. Renter's Insurance	\$
g. Other (describe)	\$
	TOTAL \$
VIII. MISCELLANEOUS EXPENSES	
a. Credit Cards	\$
b. Dues – Professional/Social Associations/Homeowner's Association	\$
c. Gifts	\$
d. Church/Charity	\$
e. Entertainment/Recreation	\$
f. Vacations	\$
g. Personal Grooming	\$
h. Newspapers/Publications	\$
i. Other Insurance	\$
j. Other (describe)	\$
	TOTAL \$
IX. EXPENSES FOR CHILDREN	
a. Child Care	\$
b. School Tuition	\$
c. Lunch Money	\$
d. School Supplies	\$
e. Lessons/Sports	\$
f. New Clothing	\$
g. Personal Grooming	\$
h. Allowance	\$
i. Other (describe)	\$
	TOTAL \$
TOTAL MONTHLY EXPENSES	
	\$

TOTAL NET INCOME BALANCE (subtract
monthly expenses from net monthly income)

\$

SUPPLEMENTAL INCOME STATEMENT

Name of Party Submitting this Form: _____

This page must be filled out if you:

1. Operate a business or practice a profession, or
2. Are a member of a partnership or joint venture, or
3. Are a shareholder in and are salaried by a closed corporation or similar entity.

Attach to this statement a copy of the following documents relating to the partnership, joint venture, business, professional corporation or similar entity:

1. The most recent Federal Income Tax Return; and
2. The most recent Profit and Loss Statement.

Name of Business: _____

Address of Business: _____

Telephone Number: _____

Nature of Business: (check one)

_____ Partnership

_____ Joint Venture

_____ Professional

_____ Closed Corporation

_____ Other (describe) _____

Name of Accountant, controller, or other person in charge of financial records:

Address: _____

Annual Income from Business: \$ _____

How often is income received? _____

Gross income per pay period: \$ _____

Net income per pay period: \$ _____

Specified Deductions, if any: _____

DECLARATION

I, _____, declare under the penalty of perjury that the above Income and Expense Statement, including all attachments, is complete, true, and correct.

Party's Signature

SWORN TO and SUBSCRIBED before me
this _____ day of _____, 202__.

NOTARY PUBLIC

My Commission Expires: _____

Signature

State Bar No. (if any)

Address

Telephone Number

Email Address

Date

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been delivered by U.S. Mail to the following:

On this the _____ day of _____, 202____.

APPENDIX F
IN THE CHANCERY COURT FOR _____ COUNTY, TENNESSEE
TWENTY-FOURTH JUDICIAL DISTRICT
SITTING AT _____

_____,
Plaintiff,

v.

_____,
Defendant.

)
)
)
)
)
)
)
)
)
)

No.:

MASTER'S REPORT FINDING OF FACTS AND CONCLUSIONS OF LAW

This cause came to be heard this the _____ day of _____, 2022, before the Honorable _____, Special Master, upon a Petition for relief, pendente lite, and the testimony of the parties and witnesses, and the entire record to date in this action, from all of which, the following findings of fact and conclusions of law are entered:

FINDING OF FACTS:

LAW UTILIZED:

FINDINGS OF THE COURT:

1. That the Petitioner/Respondent should have primary temporary residential parent of the minor child/children _____, age _____ and _____, age _____. Further, that the Petitioner/Respondent should be named as the alternate residential parent for these children.
2. That pursuant to Tennessee Child Support Guidelines that the Petitioner/Respondent should pay to the Petitioner/Respondent the sum of \$_____ per month as reasonable support for the minor child/children. Such support shall begin on _____ and continue each month until modified by orders of this Court.
3. Such support shall be paid by the Petitioner/Respondent by check/money order/wage assignment to the Petitioner/Respondent by direct deposit/directly/through the Central Child Support receipting agency.
4. That the Petitioner shall have the following parenting time with the child/children:
A. _____

That the Respondent shall have the following parenting time with the child/children:

A. _____

5. The Court further finds that the Petitioner/Respondent shall be responsible for the following bills/debts during the pendency of this divorce:

6. The Court further finds that the Petitioner/Respondent shall be responsible for the following bills/debts during the pendency of this divorce:

7. The Petitioner/Respondent is hereby ordered to pay the Petitioner/Respondent the sum of \$_____ per month in temporary spousal support beginning _____ and continuing until such time as this Court enters an order modifying the temporary support obligation.

8. When a party is required by the terms of this order to assume responsibility for paying certain debts and/or indemnify and hold the other harmless from any liability therefor, such obligation shall be deemed to be a support obligation under 11 U.S.C. Sec. 532(5) which is not dischargeable in bankruptcy as to the other party

9. The parties have ten (10) days after entry of this Order to file an objection thereto Rule 53 of the Tennessee Rules of Civil Procedure. Absent a filing of an objection within the time required by law, this report will be affirmed. Appeal will be heard on the record and argument of counsel only.

Entered this the _____ day of _____, 2022.

_____, Special Master

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that a true and correct copy of the foregoing was sent via U.S. Mail, postage prepaid first class to those individuals listed below at their respective addresses on this the _____ day of _____, 202__.

Clerk/Deputy Clerk

APPENDIX G
IN THE CHANCERY COURT FOR HENRY COUNTY, TENNESSEE
TWENTY-FOURTH JUDICIAL DISTRICT
SITTING AT PARIS

Plaintiff,

v.

Defendant.

)
)
)
)
)
)
)
)
)
)

No.:

ORDER APPROVING SPECIAL MASTER'S REPORT

This cause came to be considered on the undersigned date upon the Report of the Special Master entered _____, 202__. The Court finds that more than five (5) judicial days has expired since the entry of the Special Master's Report. The Court finds that no objection to the Special Master's Report has been filed. It further appearing to the Court that the Report appears proper in all respects and should be adopted.

It is therefore **ORDERED** that the Special Master's Report is hereby adopted as the Order of the Court. Court costs and all other matters not addressed in the Report are hereby reserved.

Entered this the _____ day of _____, 202__.

Chancellor/Judge

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that a true and correct copy of the foregoing was sent via U.S. Mail, postage prepaid first class to those individuals listed below at their respective addresses on this the _____ day of _____, 2022.

Clerk/Deputy Clerk

APPENDIX H
IN THE _____ COURT OF _____ COUNTY, TENNESSEE
AT _____

Plaintiff,	)	
	)	
v.	)	Case No. _____
	)	
Defendant.	)	

STATEMENT OF ISSUES, INCOME, AND EXPENSES

ISSUES: The contested issues in this cause include: (check all that apply)

- _____ Grounds for Divorce
- _____ Division of Co-Parenting Time with Children
- _____ Payment of Child Support
- _____ Division of Property
- _____ Payment of Debts
- _____ Payment of Alimony
- _____ Division of Retirements or Other Assets Requiring Entry of a QDRO
- _____ Payment of Attorney's Fees
- _____ Payment of Court Costs

INCOME: It is mandatory to attach payroll records, leave earning statement from the military, or other proof of income for the past six (6) most recent pay periods. If such income information is not available, then the past two (2) years of tax returns and all schedules are required to be attached.

X. INCOME	
i. Employer's Name	
j. Employer's Address	
k. Monthly Gross Income	\$

l. Monthly Federal Tax Deduction	- \$
m. Monthly FICA Deduction	- \$
n. Other Deductions (describe)	- \$
o. Other Income (from any source)	\$
p. Net Monthly Income (c - d + e - f + g)	\$
XI. OTHER HOUSEHOLD RESIDENTS (other than minor children)	
c. Name: Relationship to Party: Net Income:	Total Net Income of Other Household Residents: \$
d. Name: Relationship to Party: Net Income:	
XII. HEALTH INSURANCE INFORMATION	
e. Provided by employer? Yes/No	If yes: Cost: \$
f. Self-Employed/Provide Own Insurance: Yes/No	If yes: Cost: \$
g. No Health Insurance Coverage? Yes/No	
h. List all persons covered under any existing health insurance plan:	
XIII. HOUSEHOLD MONTHLY EXPENSES	
p. Mortgage (PITI)/Rent	\$
q. Real Estate Property Taxes	\$
r. Personal Property Taxes	\$
s. Homeowner's Insurance	\$
t. Repairs/Maintenance	\$
u. Furniture/Furnishings	\$
v. Electricity	\$
w. Gas/Heating Oil	\$
x. Water/Sewer	\$
y. Telephone (home phone and cell phone)	\$
z. Trash Service	\$
aa. Cable/TV	\$
bb. Groceries	\$
cc. Meals Out	\$
dd. Other (describe)	\$
	TOTAL \$
XIV. AUTOMOBILE EXPENSES	
g. Automobile Payment	\$
h. Gasoline	\$
i. Auto Repair/Maintenance	\$
j. Auto Insurance	\$
k. Tags/Inspection, etc.	\$

1. Other (describe)	\$
TOTAL \$	
XV. CLOTHING	
d. New (excluding children)	\$
e. Cleaning/Laundry	\$
f. Uniforms	\$
TOTAL \$	
XVI. INSURANCE/HEALTH EXPENSES	
h. Medical/Health Care (not covered by insurance)	\$
i. Dental Expenses (not covered by insurance)	\$
j. Prescription Medications (not covered by insurance)	\$
k. Optical Expenses (not covered by insurance)	\$
l. Life Insurance	\$
m. Renter's Insurance	\$
n. Other (describe)	\$
TOTAL \$	
XVII. MISCELLANEOUS EXPENSES	
k. Credit Cards	\$
l. Dues – Professional/Social Associations/Homeowner's Association	\$
m. Gifts	\$
n. Church/Charity	\$
o. Entertainment/Recreation	\$
p. Vacations	\$
q. Personal Grooming	\$
r. Newspapers/Publications	\$
s. Other Insurance	\$
t. Other (describe)	\$
TOTAL \$	
XVIII. EXPENSES FOR CHILDREN	
j. Child Care	\$
k. School Tuition	\$
l. Lunch Money	\$
m. School Supplies	\$
n. Lessons/Sports	\$
o. New Clothing	\$
p. Personal Grooming	\$
q. Allowance	\$
r. Other (describe)	\$
TOTAL \$	

TOTAL MONTHLY EXPENSES	\$
TOTAL NET INCOME BALANCE (subtract monthly expenses from net monthly income)	\$

SUPPLEMENTAL INCOME STATEMENT

Name of Party Submitting this Form: _____

This page must be filled out if you:

4. Operate a business or practice a profession, or
5. Are a member of a partnership or joint venture, or
6. Are a shareholder in and are salaried by a closed corporation or similar entity.

Attach to this statement a copy of the following documents relating to the partnership, joint venture, business, professional corporation or similar entity:

3. The most recent Federal Income Tax Return; and
4. The most recent Profit and Loss Statement.

Name of Business: _____

Address of Business: _____

Telephone Number: _____

Nature of Business: (check one)

_____ Partnership

_____ Joint Venture

_____ Professional

_____ Closed Corporation

_____ Other (describe) _____

Name of Accountant, controller, or other person in charge of financial records:

Address: _____

Annual Income from Business: \$ _____

How often is income received? _____

Gross income per pay period: \$ _____

Net income per pay period: \$ _____

Specified Deductions, if any: _____

DECLARATION

I, _____, declare under the penalty of perjury that the above Income and Expense Statement, including all attachments, is complete, true, and correct.

Party's Signature

SWORN TO and SUBSCRIBED before me
this _____ day of _____, 202____.

NOTARY PUBLIC

My Commission Expires: _____

Signature

State Bar No. (if any)

Address

Telephone Number

Email Address

Date

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been delivered by U.S. Mail to the following:

On this the _____ day of _____, 202____.

APPENDIX I
IN THE _____ COURT FOR _____ COUNTY,
TENNESSEE

AT _____

Plaintiff,

Case No. _____

v.

Judge: _____

Defendant.

STATEMENT OF ASSETS AND LIABILITIES

MARITAL ASSETS

DESCRIPTION	HUSBAND'S VALUE	WIFE'S VALUE	MONTHLY PAYMENT	NAME OF CREDITOR AND AMOUNT OF DEBT	AMOUNT OF EQUITY	CONCEDED TO WIFE	CONCEDED TO HUSBAND	DISPUTED
REAL ESTATE								
VEHICLES (including boats, RVs, motorcycles, etc.)								
BANK ACCOUNTS								
LIQUID ASSET ACCOUNTS								
RETIREMENT/401K/PENSION ACCOUNTS								

INVESTMENT ACCOUNTS								

BUSINESS PROPERTY								
MISCELLANEOUS PERSONAL PROPERTY								
TOTALS								
LIFE INSURANCE								
DESCRIPTION (including policy number and issuer)	HUSBAND'S VALUE	WIFE'S VALUE	FACE VALUE	INSURED FOR THE BENEFIT OF...	CASH SURRENDER VALUE			

SEPARATE PROPERTY (T.C.A. § 36-4-121(B)(2))

SEPARATE PROPERTY TO HUSBAND		
DESCRIPTION	FAIR MARKET VALUE	DATE ACQUIRED
SEPARATE PROPERTY TO WIFE		
DESCRIPTION	FAIR MARKET VALUE	DATE ACQUIRED

MARITAL DEBT

SECURED DEBT								
CREDITOR NAME	BALANCE TO DATE	MONTHLY PAYMENT	WHO INCURRED THE DEBT? HUSBAND OR WIFE?	DATE INCURRED	PURPOSE OF DEBT	ASSUMED BY WIFE	ASSUMED BY HUSBAND	DISPUTED
TOTAL								

UNSECURED DEBT (including credit cards, medical bills, etc.)

CREDITOR NAME	BALANCE TO DATE	MONTHLY PAYMENT	WHO INCURRED THE DEBT? HUSBAND OR WIFE?	DATE INCURRED	PURPOSE OF DEBT	ASSUMED BY WIFE	ASSUMED BY HUSBAND	DISPUTED
TOTAL								

SEPARATE DEBT

SEPARATE DEBT OF WIFE

CREDITOR NAME	BALANCE TO DATE	MONTHLY PAYMENT	PURPOSE OF DEBT

SEPARATE DEBT OF HUSBAND

CREDITOR NAME	BALANCE TO DATE	MONTHLY PAYMENT	PURPOSE OF DEBT

APPENDIX J

DATE: _____

Please check one*

- ☐ Original Order
☐ Modified Order
☐ Terminated Order/Termination of IWO issued
☐ Updated Information

Please check one*

- ☐ Worksheet for State Case Registry purpose only
☐ Payments ordered through SDU (formerly CCSRU)

NON-IV-D DEMOGRAPHIC INFORMATION AND UPDATE WORKSHEET (PLEASE PRINT LEGIBLY)

DOCKET ID * _____

COURT CODE * _____

ORIGINAL ORDER DATE * _____

FAMILY VIOLENCE CODE * YES ☐ OR NO ☐

OBLIGEE'S INFORMATION (party to receive payments):

LAST NAME * _____ FIRST NAME * _____ MIDDLE _____
SEX _____ SSN * _____ - _____ - _____ DATE OF BIRTH * _____ RELATIONSHIP TO CHILD * _____
MAILING ADDRESS * _____
CITY * _____ STATE * _____ ZIP * _____ TELEPHONE# _____

OBLIGOR'S INFORMATION (party to make payments):

LAST NAME * _____ FIRST NAME * _____ MIDDLE _____
SEX _____ SSN * _____ DATE OF BIRTH * _____ RELATIONSHIP TO CHILD * _____
MAILING ADDRESS _____
CITY * _____ STATE * _____ ZIP * _____ TELEPHONE# _____
EMPLOYER _____
EMPLOYER ADDRESS _____
CITY NAME _____ STATE _____ ZIP _____ COUNTRY _____

DEPENDENT INFORMATION:

CHILD#1: LAST NAME * _____ FIRST NAME * _____ MIDDLE _____
SEX _____ SSN * _____ DATE OF BIRTH * _____
CHILD#2: LAST NAME * _____ FIRST NAME * _____ MIDDLE _____
SEX _____ SSN * _____ DATE OF BIRTH * _____

COURT CLERK'S FAX NUMBER: (731)644-2527

TCSSES CASE NUMBER: _____

*FIELDS REQUIRED

NOTES: Additional dependents can be entered on a separate page and faxed. Docket numbers and court code must be re-entered for additional dependents. Parties' information need not be re-entered.

APPENDIX K
IN THE _____ COURT FOR _____ COUNTY, TENNESSEE
AT _____

	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. _____
	)	
	)	
	)	
Defendant.	)	

PETITION FOR TERMINATION OF CHILD SUPPORT

Comes now _____, the Petitioner in this cause, who would show to the Court he/she was ordered to pay child support in this cause, and the child/children for whom support was ordered:

(A) Is now 18 years of age (or soon will be 18 years of age), that child having been born on _____, _____;

(B) The child has graduated from _____ High School on _____, _____, (or the child was a member of the Senior Class of _____ High School, which class graduated on _____, _____, and this child did not graduate);

(C) The child is mentally and physically competent; and

(D) All child support which is due has been paid.

Petitioner would therefore pray the Court rule the following:

1. The obligation for the payment of child support shall cease;

2. An Order may enter terminating any wage assignment previously entered to _____ effective _____, _____; and
3. Cost bond be waived in the event an AGREED ORDER is submitted with this petition and Petitioner tenders herewith the costs of this petition and resulting Order.

This the _____ day of _____, 20____.

Signature of Petitioner

Name

Address

Phone Number

STATE OF TENNESSEE

COUNTY OF _____

Sworn to or affirmed and signed before me on this the _____ day of _____, 20____.

NOTARY OR DEPUTY CLERK

My Commission Expires:

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been delivered by U.S. Mail to the individuals listed below:

On this the _____ day of _____, 202____.

APPENDIX L
IN THE _____ COURT FOR _____ COUNTY, TENNESSEE
AT _____

	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. _____
	)	
	)	
	)	
Defendant.	)	

AGREED ORDER
TERMINATING CHILD SUPPORT

This matter came on for consideration by the Court upon the pleadings and the entire file in this cause, from all of which the Court finds that the parties minor child:

A) is now 18 years of age (or soon will be 18 years of age), the child having been born on _____, _____, and

B) () that the child has graduated from high school on the _____ day of _____,
or

() the child did not graduate from high school and is no longer in school.

C) that this child is mentally and physically competent, and

D) that all child support that is due has been paid and there are no arrearages owed to the State of Tennessee.

IT IS THEREFORE ORDERED that the obligation for the payment of child support shall cease and further IT IS ORDERED that a wage assignment previously entered to;

Name of Employer: _____

Address: _____

City, State and Zip Code: _____

shall terminate effective _____, _____.

Costs of this cause were paid at the time of filing the Petition to Terminate Child Support.

Enter this the _____ day of _____, _____.

CHANCELLOR/JUDGE

APPROVED FOR ENTRY:

PETITIONER

ADDRESS: _____

PHONE NO.: _____

STATE OF TENNESSEE

COUNTY OF _____

Subscribed and sworn before me on
this the ____ day of _____, _____.

NOTARY PUBLIC

My Commission Expires: _____

RESPONDENT

ADDRESS: _____

PHONE NO.: _____

STATE OF TENNESSEE

COUNTY OF _____

Subscribed and sworn before me on
this the ____ day of _____, _____.

NOTARY PUBLIC

My Commission Expires: _____

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing order has been served by U.S. Mail, postage prepaid to Petitioner, and Defendant and, _____ this the ____ day of _____, _____, and faxed to Twenty-Fourth Judicial District Child Support office.

DEPUTY CLERK AND MASTER