

STATE OF TENNESSEE, COUNTY OF _____

SUMMONS TO RECOVER PERSONAL PROPERTY

To Any Lawful Officer To Execute and Return:

Summon each Defendant to appear before the Judge of the General Sessions Court of _____ County, on _____, 20_____.

To be held in _____ (Court Room) _____ (Address)

to answer the claim by Plaintiff(s) for a money judgment of \$_____ and possession of the following described property:_____ having a value of _____. Plaintiff(s) claim possession because _____.

A copy of the writing, if any, upon which plaintiff(s) claim is founded must be attached. Plaintiff(s) makes oath that the foregoing is true to the best of Plaintiff's knowledge and belief.

Sworn to and subscribed on _____, 20_____. Clerk/Deputy Clerk/Notary Public _____ (Commission Exp. _____)

Issued _____

JUDGMENT

Judgment is granted to Plaintiff(s) against Defendant(s) _____ in the amount of \$_____ and all costs and taxes, and for possession of the described property for which a writ of possession shall be issued on Plaintiff's request. If this action is governed by the Uniform Commercial Code Provisions of state law, Plaintiff shall dispose of said property in accordance with the applicable provisions of said law and shall notify Defendants of the amount to be credited against this judgment prior to the issuance of any writ of execution.

Judgment is based on: Default of Defendant Agreement of Parties Trial in Court

Case is dismissed and all costs and taxes are to be paid by Plaintiff, for which execution may issue. Dismissal is based on:

Failure to prosecute the suit by Plaintiff(s) Non-suit by Plaintiff, requested by: _____

Finding in favor of Defendant(s) after trial _____

_____, Judge Date _____

Case No. _____

Plaintiff

Address

Phone

vs.

Defendant

Address

Defendant

Address

SUMMONS TO RECOVER PERSONAL PROPERTY

Court of General Sessions (preprinted name), Clerk

By _____, Deputy Clerk

Issued _____, 20_____.

Set for _____ at _____.

Reset for _____

Served Upon All Named Defendants All Defendants

Except: _____

Served _____, 20_____.

Sheriff/Constable (Process Server) _____

Attorney for Plaintiff

Telephone _____

Attorney for Defendant

Telephone _____

SERVICE

ORDER

This the ____ day of _____, 20____.

Judge _____

To the best of my information and belief, after investigation of Defendant's employment, I hereby make affidavit that the Defendant is/is not a member of a military service.

AFFIDAVIT

Attorney for Plaintiff or Plaintiff

Notary Public

My Comm. Exp. _____

ADA: If you need assistance or accommodations because of a disability, please call _____, ADA Coordinator, at () _____

PLAINTIFF'S BOND FOR RESTRAINING ORDER: We hereby bind ourselves, our heirs, and assigns to Defendant(s) in the penalty sum of \$_____, being the value of the described property, this obligation to be void should Plaintiff(s) abide by and perform the judgment of the Court in this matter.

Date: _____

Principal: _____

Surety: _____

FIAT: Upon posting bond of \$_____, Defendant(s) are hereby restrained from damaging, concealing, or removing the described property from the jurisdiction of this Court. IF THIS RETRAINING ORDER IS VIOLATED, DEFENDANT(S) COMMITS A CLASS C MISDEMEANOR AND IS SUBJECT FOR EACH VIOLATION TO A FINE NOT TO EXCEED FIFTY DOLLARS (\$50) AND/OR IMPRISONMENT UP TO THIRTY (30) DAYS

Date: _____

Judge: _____

WAIVER: I (we), the defendant(s) herein, acknowledge that the plaintiff is entitled to possession of the described property, and I (we) hereby voluntarily waive any right to a hearing by tendering the property herewith to the officer, and I (we) acknowledge that if I (we) do not appear and answer as to the merits of the matter on the date specified herein, that a default judgment may be entered against me (us). I (we), the defendants, herein acknowledge that the process server has read and explained to me (us) that I (we) have a constitutional right to a hearing and that I (we) are not required to sign this document of waiver and that I (we) have signed this document of waiver voluntarily.

Date: _____

Defendant: _____

TO THE DEFENDANT(S):

Failure to appear and answer this summons may result in judgment by default being rendered against you for the relief requested. Tennessee law provides a ten thousand dollar (\$10,000) personal property exemption as well as a homestead exemption from execution or seizure to satisfy a judgment. The amount of the homestead exemption depends upon your age and the other factors which are listed in TCA § 26-2-301. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these items include items of necessary wearing apparel (clothing) for yourself and your family and trunks and other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to execute it, you may wish to seek the counsel of a lawyer.

NOTICE

Legal Authority: TCA §29-30-104