

Order to Recover Personal Property

Case number: _____

Original Alias Amended Counterclaim

In the General Sessions Court of: _____ County, TN, Courtroom _____

Plaintiff: _____
name address phone no.

Plaintiff's lawyer: _____
name address phone no.

Defendant: _____
name address phone no.

Other Defendant: _____
name address phone no.

TO: *(Defendant's name and address for service):* _____

You must go to Court on *(date):* _____ **at** *(time):* _____ **Courtroom #:** _____

Clerk checks here if this hearing is reset. *New date & time:* _____ *New date & time:* _____

Court address: _____

If you have a disability and need help at court, contact: _____

The Plaintiff says *(check all that apply):*

You owe him/her *(amount of judgment)* \$ _____

You have property that belongs to him/her *(describe property and its value):* _____

That property belongs to him/her because: _____

Warning! You must not damage, hide, or take the property described above out of this Court's jurisdiction. If you disobey this order, you will be guilty of a Class C misdemeanor. You may be fined up to \$50 and sent to jail for up to 30 days for each violation of this order.

Date: _____ **Defendant's signature:** _____

A qualified process server is summoned to personally serve a copy of this order on the Defendant listed above.

By _____, *Deputy Clerk (date):* _____

Server's statement: I, *(server's name):* _____ personally served the Defendant this order on: *(date):* _____ **Server's signature:** _____

Waiver

The Defendant(s):

- Accept that the Plaintiff has the right to the property described above,
- Give up any right to a court hearing by giving that property to the officer now,
- Understand that we have the right to a hearing and understand that if we do not go to the court hearing, the court can decide this case and make orders against me/us, and
- Acknowledge that the process server has read and explained this waiver to me/us.

I/We do not have to sign this document if I/we do not want to. I/We sign below freely.

Date: _____ **Defendant's signature:** _____

Plaintiff's Affidavit

I declare, to the best of my knowledge, that:

- If I have it, I have attached a document that proves ownership of this property,
- The information I have provided on this **form is true**,
- **I have investigated the Defendant's employment situation, and believe** the Defendant (*check one*): is is not on active duty military service.

Plaintiff/Plaintiff's lawyer signs here: _____

Notary's statement

Sworn to and subscribed before me on this date: _____

Notary's signature: _____

My term expires (*date*): _____

Plaintiff's Bond for Restraining Order – By signing below, the Plaintiff/Surety or their heirs agree to pay a **penalty** equal to the value of the property described above. If the Plaintiff follows this order, the obligation to pay this penalty is void.

Date: _____ Signature: _____, Plaintiff Surety Bond amount: \$ _____

Judgment

Judgment is by: Default Agreement Trial


- The Defendant must pay (*amount of judgment*): \$ _____, plus _____ % annual interest, and **court costs and legal fees**. A writ of possession for the property described may be issued at the Plaintiff's request.
- The Plaintiff must handle the described property according to those provisions and notify the Defendant that s/he will get a credit against this judgment before there is a writ of execution that allows his/her property to be taken.
- The Court finds for the Defendant(s).
- Case is **dismissed** because: **Failure to prosecute** Plaintiff dismisses this case voluntarily

General Sessions Court Judge, Div. _____ (*print judge's name*): _____

GSC Judge's signature:  _____ Signed (*date*): _____

Orders

General Sessions Court Judge, Div. _____ (*print judge's name*): _____

GSC Judge's signature:  _____ Signed (*date*): _____

Important! Even if court orders you to pay a judgment, the law lets you keep some of your property, including up to **\$10,000 in personal property**. But you must give the court clerk a list of the property you want to keep. (You can change this list later if you want to.) If you do not do this, that property may be taken from you. Your list must be signed under oath. Some things **cannot** be taken from you, even if they are not on your list. If your family's clothes, family photos, family bible, or schoolbooks are taken, you have the right to get them back.

You can also exclude **\$5,000** from the value of your primary **home**. This may help you keep your home and lower your property taxes. You may qualify for other exemptions.

To learn more about your rights, **talk to a lawyer**.

To the Defendant(s): Failure to appear and answer this Civil Warrant will result in judgment by default being rendered against you for the relief requested. Tennessee law provides a ten thousand dollar (\$10,000) personal property and five thousand (\$5,000) homestead exemption from execution or seizure to satisfy a judgment. Additional homestead exemptions may be available under statute. Refer to jurisdiction for exact amount, or as further directed by code. 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 exercise it, you may wish to seek the counsel of a lawyer.

Legal Authority: TCA § 20-2-101, 26-2-115.