

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 Sevier County, on _____, 20____ A.M./P.M. To be held in General Sessions Court, Sevier County Court House, Room 107E, Sevierville, TN, Part I _____ or Part II _____ to answer the claim by the 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 forgoing is true to the best of the plaintiff's knowledge and belief.

Sworn to and subscribed to this the _____ day of _____, 20_____.

Affiant
Connie E. Holt
Clerk

Notary Public Exp: _____

By: Deputy Clerk

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 _____

Part I or Part II

Case No. _____

Plaintiff

Address

Phone

VS.

Defendant

Address

Defendant

Address

SUMMONS TO RECOVER PERSONAL PROPERTY

Court of General Sessions
Connie E. Holt, Clerk

By _____, Deputy Clerk

Issued _____, 20_____.

Set for _____ at _____.

Reset for _____

Served Upon All Named Defendants

All Defendants

SERVICE

Served _____, 20_____

Sheriff/Constable / Deputy Sheriff

Attorney for Plaintiff

Telephone _____

Attorney for Defendant

Telephone _____

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. _____

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 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 the Court. IF THIS RESTRAINING 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 AND SURRENDER OF PROPERTY: The officer serving this paper has explained that I have a constitutional right to a hearing on the possession of this property, but I wish to give up that right. I acknowledge the Plaintiff is entitled to possession, and I surrender the property to the officer. I realize that if I do not come to court, a default judgment will be entered against me. I know that I do not have to sign this Waiver or surrender possessions, but do so voluntarily.

Date: _____

Defendant: _____

TO THE DEFENDANT(S):

Failure to appear and answer this Summons will result in judgment by default being rendered against you for the relief requested. Tennessee law provides a four thousand dollar (\$4,000) personal property and five thousand dollar (\$5000) homestead exemption from execution or seizure to satisfy a judgment. 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 your self 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