

IN THE GENERAL SESSIONS COURT OF SHELBY COUNTY, TENNESSEE



CIVIL WARRANT No. _____
ACTION TO RECOVER PERSONAL PROPERTY

I, _____, do hereby make oath that according to the affiant's information and belief the Plaintiff(s), _____, is entitled to the possession of the property proposed to be repossessed, which property is described as follows, to-wit:

VALUE: \$ _____

Sworn to and subscribed before me this the _____ day of _____, 20____.
CHRIS TURNER, General Sessions Court Clerk

By: _____
Deputy Clerk

To Any Lawful Officer to Execute and Return:
Summon the Defendant(s)

to appear before the Court of General Sessions of Shelby County, Tennessee, to be held at the Courtrooms of said

Court in said County on the _____ day of 20____, at _____, then and there to answer in a civil action brought by the Plaintiff(s), _____, for a possessory hearing to determine rights of the parties to possession of _____ and for judgment for

under \$25,000.00 Dollars (excluding attorney fees, if applicable)

This _____ day of _____ 20 _____

CHRIS TURNER, General Sessions Court Clerk

By _____ D.C.

Attorney:
Law Firm:
Address 1:
Address 2:
Telephone:
Facsimile:
Code / BPR:

BOND

We, _____, Principal, _____, Surety, do hereby bind ourselves, our heirs and assigns to _____, Defendant(s), in the penal sum of \$ _____ Dollars, being the value of the property above described, this obligation to be void, should the Plaintiff(s) pay all costs or damages adjudged against him/her/it and shall abide by and perform the judgment of the Court.

This the _____ day of _____, 20____.

Principal / Surety

-SEE OTHER SIDE FOR SERVICE, NOTICES AND WAIVER TO DEFENDANT(S)-

SERVICE

Came to hand same day issued and executed as commanded on _____

This _____ day of _____ 20 _____ by the Sheriff / Private Process Server _____

Came to hand same day issued and executed as commanded on _____

This _____ day of _____ 20 _____ by the Sheriff / Private Process Server _____

NOTICE

TO THE DEFENDANT(S): Pursuant to Tennessee Code Annotated Section 26-2-114, you are hereby given the following notice: Tennessee law provides a four thousand dollar (\$4,000.00) debtor's equity interest personal property 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 include items of necessary wearing apparel (clothing) for yourself and your family and trunks or 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.

F.D.C.P. NOTICE

TO THE DEFENDANT(S): This communication is from a debt collector and the purpose of this communication is to collect a debt and any information obtained will be used for that and other purposes allowed by law. Unless you, within thirty days after the receipt of this communication, dispute the validity of the debt, or any portion thereof, the debt will be assumed to be valid by us. If you notify us in writing within the thirty-day period that the debt, or any portion thereof, is disputed, we will obtain verification of the debt or a copy of a judgment against you and a copy of such verification or judgment will be mailed to you by us and upon your written request within the thirty-day period, we will provide you with the name and address of the original creditor, if different from the current creditor.

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 rendered against me (us). I (we) the Defendant(s) 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) am not required to sign this document of waiver and that I (we) have signed this document of waiver voluntarily. I (we) understand, however, that should said tendered property not be sufficient to satisfy Plaintiff's entire claim after the Plaintiff shall have fully complied with all requirements of the Uniform Commercial Code applicable thereto, Plaintiff shall be allowed to recover a deficiency judgment for any balance.

Witnessed (Sheriff or PPS): _____ Defendant(s): _____

FIAT

Upon the Plaintiff(s) posting a bond in the amount of \$ _____, the Defendant(s) is(are) hereby restrained from damaging, concealing or removing the described property from the jurisdiction of the Court.

This the _____ day of _____ 20 _____

Judge of Division _____

IF THIS RESTRAINING ORDER IS VIOLATED, THE DEFENDANT(S) COMMITS A CLASS C MISDEMEANOR AND IS SUBJECT FOR EACH VIOLATION TO A FINE NOT TO EXCEED \$50.00 OR IMPRISONMENT FOR NOT MORE THAN THIRTY (30) DAYS, OR BOTH. DEFENDANT(S): IF YOU FAIL TO APPEAR AND OFFER EVIDENCE, THE COURT SHALL ISSUE THE WRIT OF POSSESSION AND THE JUDGE SHALL ENTER A DEFAULT JUDGMENT FOR THE RELIEF SOUGHT HEREIN.

JUDGMENT

Judgment for the Plaintiff(s) for \$ _____ and the costs of the cause, and for the possession of the property described in the warrant. The officer is hereby directed to take the property described in the warrant out of the possession of the Defendant(s) and deliver the same to the Plaintiff(s). The Plaintiff(s) shall dispose of said property in accordance with the applicable provisions of the Uniform Commercial Code and shall notify the Defendant(s) the amount to be credited against the judgment prior to the issuance of any writ of execution.

This the _____ day of _____ 20 _____

Judge of Division _____