

STATE OF TENNESSEE, COUNTY OF MONTGOMERY

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 Montgomery County, on _____, 20____. To be held on the 2nd floor of the Courts Center located at 2 Millennium Plaza in Clarksville to answer the claim by Plaintiff(s) for possession of _____ the value of which is \$ _____, 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. _____)

JUDGMENT

Judgment for Plaintiff against _____ for \$ _____ plus interest at the rate of _____% and cost of this suit, for which execution may issue, and for the possession of the property described in the warrant. The officer is 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 this judgment prior to the issuance of any Writ of Execution.

Judgment entered by: Default Agreement Trial

Dismissed: Without Prejudice With Prejudice

Costs taxed to: Plaintiff Defendant

Defendant(s) _____ in court and admitted to jurisdiction of court. This the _____ day of _____, 20____.

Judge



If you have a disability and require assistance, please contact 931-553-5113

Case No. GS _____ CV _____

Plaintiff

Address

Phone

vs.

Defendant

Address

Defendant

Address

SUMMONS TO RECOVER PERSONAL PROPERTY

Court of General Sessions Wendy Davis, Clerk

Issued _____, 20____.

By _____, Deputy Clerk

Set for _____ at _____.

2 Millennium Plaza Suite 115, Clarksville, TN 37040

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

AFFIDAVIT

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.

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 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 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 that 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: _____

Date: _____

Defendant: _____

NOTICE 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 on 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.