LOCAL RULES OF PRACTICE
FOR CHANCERY COURT
NINETEENTH JUDICIAL DISTRICT

RULE 1
GENERAL APPLICABILITY

Former Rules Abrogated	1.01
Applicability	1.02
Suspension of Rules	1.03
Citation	1.04

RULE 2
ASSIGNMENT AND DISPOSITION OF CASES

Interchange of Judges	2.01

RULE 3
APPEARANCE AND CONDUCT OF COUNSEL

Counsel of Record: Entry of Appearance	3.01
Withdrawal of Counsel	3.02
No Appearance Entered; Copies of Pleadings	3.03
Conduct of Counsel	3.04
Setting Attorney Fees	3.05

RULE 4
FILING, CERTIFICATE OF SERVICE AND ORIGINAL PLEADINGS

Filing with the Clerk	4.01
Certificate of Service	4.02
Request for Guardian Ad Litem	4.03

RULE 5
JURY DEMAND

Procedure	5.01
Number of Jurors	5.02

RULE 6
COURT FILES

Court Files	6.01

RULE 7
DISCOVERY IN ALL CASES

Filing not Required Unless for Use by Court	7.01
Interrogatories to Parties	7.02
Requests for Admissions	7.03
Objection to Requests for Production	7.04
Discovery Conferences	7.05
Motions to Compel Discovery	7.06
Motions for Protective Orders - To Quash Subpoena	7.07
Motion to Compel; Exhibits to Depositions	7.08

RULE 8
MOTION PRACTICE

Setting Motions for Hearings	8.01
Failure to Appear at a Motion Hearing; Late Appearance	8.02
Time for Hearing Dispositive Pre-Trial Motions	8.03
Time for Filing Responses to Non-Depositive motions	8.04
Time to File Replies to Responses for Non-Dispositive Motions	8.05
Motions, Responses, Replies and Briefs	8.06
Striking or Postponement of Motions	8.07
Motions for Extraordinary/Injunction Relief	8.08
Time Limits on Oral Arguments, or Motions Requiring Testimony	8.09
Temporary Support Hearings in Domestic Relations Cases	8.10
Temporary Parenting Plans in Domestic Relations Cases	8.11

RULE 9
NEGOTIATIONS AND SETTLEMENTS

Court Approval of Settlements	9.01

RULE 10
FINAL HEARINGS AND CONTESTED TRIALS

Uncontested Divorce Cases	10.01
All Contested Cases	10.02

RULE 11
PRE-TRIAL PROCEDURE

Pre-Trial Procedure Civil Actions	11.01
Notice of Intent to Use Audio/or Visual Recordings Required	11.02
Contempt Petitions, Proceedings and Judgment	11.03

RULE 12
CONTINUANCES AND AWARD OF FEES AND EXPENSES

Continuances	12.01
Award of Fees and Expenses	12.02

RULE 13
SUBPOENAS

Time for Issuing Subpoenas	13.01

RULE 14
EXHIBITS

Custody of the Clerk and Master	14.01
Disposition of Exhibits	14.02

RULE 15
ORDERS AND JUDGMENTS

Written Findings and Conclusions	15.01
Preparation and Submission of Orders and Judgments; Disagreements over Contents	15.02
Court Costs	15.03
Non-Minute Entry Orders	15.04
Payment and Satisfaction of Judgments	15.05

RULE 16
SPECIAL MASTERS

Duty to Provide Court Reporter	16.01
Objections to Master's Report/Preparation of Transcript	16.02
Additional Evidence	16.03
Notice to Special Master	16.04
Special Master's Procedure	16.05

RULE 17
PROBATE PRACTICE; CONSERVATORSHIPS;
GUARDIANSHIPS; NAME CHANGES.

Attorneys	17.01
Pleadings and Order	17.02
Estates of Decedents	17.03
Interested Parties	17.04
Reports, Audits and Exceptions	17.05
Clerk and Master to ACT	17.06
Claims Against Estate	17.07
Review	17.08
Fees and Expenses	17.09
Motions for Instructions or for Interpretation	17.10

RULE 18
REAL PROPERTY SALE

Property Description	18.01
Orders of Reference	18.02
Sale Price to Cover Encumbrances	18.03
Title Searches	18.04

RULE 19
DORMANT CASES

Dismissal of Dormant Cases	19.01
Dismissal for Want of Prosecution	19.02

LOCAL RULES OF PRACTICE
FOR CHANCERY COURT
NINETEENTH JUDICIAL DISTRICT

RULE 1

GENERAL APPLICABILITY

Sec. 1.01 Former Rules Abrogated

All former rules of local practice except as re-adopted herein are hereby abrogated.

Sec. 1.02 Applicability

Each rule is applicable in all cases in the Chancery Court unless otherwise indicated by a particular rule.

Sec. 1.03 Suspension of Rules

Whenever the Court determines that justice requires it, it may suspend any of these rules.

Sec. 1.04 Citation

These rules may be cited as “RULE _____ ChC19.”

RULE 2

ASSIGNMENT AND DISPOSITION OF CASES

Sec. 2.01 Interchange of Judges

When necessary for the efficient administration of justice, a judge may hear and determine any matter by interchange for another judge without the necessity of transferring the case from one court to another.

RULE 3

APPEARANCE AND CONDUCT OF COUNSEL

Sec. 3.01 Counsel of Record: Entry of Appearance

All counsel who have entered an appearance in a case will be counsel of record. Entry of an appearance shall be made in one of the following ways:

(1) A written request by counsel to the Clerk and Master;

(2) The filing of any pleadings or orders;

(3) The filing of a formal notice of appearance; or

(4) Appearance as counsel at any court hearing.

Sec. 3.02 Withdrawal of Counsel

No attorney may be allowed to withdraw except by leave of Court upon motion for good cause.

Sec. 3.03 No Appearance Entered; Copies of Pleadings

If a party does not have counsel of record, copies of the pleadings filed shall be furnished to the adverse party.

Sec. 3.04 Conduct of Counsel

(a) Attorneys shall stand while examining and addressing witnesses, the jury or the Court.

(b) All attorneys are to be present and in the courtroom at the appointed hour a case or motion has been set for a hearing.

(c) If an attorney is appearing in behalf of another attorney named on the docket, the Clerk and Master should be notified before the scheduled time for hearing.

Sec. 3.05 Setting Attorney Fees

Whenever it is necessary for the Court to set fees of attorneys, the attorney shall file an affidavit of time and activity involved in the case, a suggestion of the amount of a reasonable fee, and any other information requested by the Court.

RULE 4

FILING, CERTIFICATE OF SERVICE AND ORIGINAL PLEADINGS

Sec. 4.01 Filing with the Clerk

All papers, including pleadings, motions, briefs and proposed judgments and orders shall be filed with the Clerk and Master. Papers should not be mailed to or left with the Chancellor.

Sec. 4.02 Certificate of Service

All papers must contain a certificate of service which must contain the date of service and the name of the person or persons served.

Sec. 4.03 Request for Guardian Ad Litem

If a Guardian Ad Litem is requested in any case for any reason, the requesting party must suggest the names of attorneys who have been made aware of the circumstances establishing the need and who have no known conflict of interest and who would be willing to serve.

RULE 5

JURY DEMAND

Sec. 5.01 Procedure

In all cases in which a jury is demanded, the words “JURY DEMAND” shall

be typewritten in capital letters on the first page of the original pleading opposite the style of the case below the space for the case number.

Sec. 5.02 Number of Jurors

In all cases the parties may stipulate that the jury will consist of any number of persons less than twelve. Unless otherwise expressly demanded, the Court will consider a demand for jury a request for a twelve (12) person jury.

RULE 6

COURT FILES

Sec. 6.01 All papers and records of the Court shall be in the custody of the Clerk and Master. Files in all cases may be withdrawn by any attorney or their employee only upon permission of the Clerk and Master.

RULE 7

DISCOVERY IN ALL CASES

Sec. 7.01 Filing Not Required Unless for Use by Court

Interrogatories, request for production, depositions, or any other discovery material should not be filed with the Clerk and Master unless and until it is used in court or introduced and identified as evidence during the hearing or considered by the Court for some purpose.

Sec. 7.02 Interrogatories to Parties

(a) When answering or objecting to interrogatories, the replying or objecting party shall, as part of his answer or objection, set forth immediately preceding the

answer or objection, the interrogatory with respect to which answer or objection is made.

(b) Interrogatories pursuant to Rule 33, T.R.C.P. shall be unlimited but if the number of interrogatories in any given set or the content thereof is considered overly burdensome a motion maybe made to delete the necessity of responding to any interrogatory deemed abusive by the Court. Leave of Court must be obtained to submit additional sets of interrogatories beyond the first set. Requests for leave shall include copies of such additional interrogatories or sets of interrogatories to be submitted, and a statement of counsel as to the necessity for such information.

Sec. 7.03 Requests for Admissions

Requests for admissions made pursuant to Rule 36, T.R.C.P., shall be arranged so that after each separate request a blank space shall be provided to enable the responding party to give his response.

Sec. 7.04 Objection to Requests for Production

When objecting to requests for production made pursuant to Rule 34, T.R.C.P., the request shall be repeated immediately preceding the objection.

Sec. 7.05 Discovery Conferences

To avoid undue delay, the Court will refuse to rule on any motions for discovery unless moving counsel shall first file with the Court at the time of filing of the motion, a statement certifying that he has conferred with counsel for the opposing party in a good faith effort to resolve by agreement the issues raised and that counsel have not been able to do so. If counsel for any party advises the Court in writing that an opposing counsel has refused or delayed a discussion of the problems covered in this subsection, the Court may take such action as appropriate to avoid delay, including taxing the amount of unnecessary costs and attorneys' fees to the culpable party.

Sec. 7.06 Motions to Compel Discovery

Motions to Compel shall:

(a) Either (1) quote verbatim the interrogatory, request or question and any objection or response thereto, or (2) be accompanied by a copy of the interrogatory, request, or excerpt of a deposition which shows the question and objection or response;

(b) State the reason supporting the motion; and

(c) Be accompanied by a discovery conference statement as provided by Rule 7.05 of these rules.

(d) If any party being deposed refuses to answer a question or is directed not to answer by their attorney, the Court may, upon a finding that such refusal was not justified, tax all costs for the discovery process involved and for any subsequent hearing to address the unjustified refusal to answer during the original deposition to the party who wrongfully refused to answer.

Sec. 7.07 Motions for Protective Orders

Motions for protective orders filed pursuant to Rule 26.03, T.R.C.P., or any motion asking that discovery be postponed or restricted shall:

(a) Either (1) quote verbatim the interrogatory, request, question or subpoena, or (2) be accompanied by a copy of the interrogatory, request, subpoena or excerpt of a deposition which shows the questions;

(b) State with particularity the grounds for the motion;

(c) Be accompanied by an affidavit or other evidence showing the need for the order;

(d) Be accompanied by a proposed protective order; and

(e) Be accompanied by a discovery conference statement as provided by Rule 7.05 of these rules.

Sec. 7.08 Motion to Compel Exhibits to Depositions

Agreements to furnish exhibits made during the taking of depositions may be enforced by motion made pursuant to Rule 37, T.R.C.P..

RULE 8

MOTION PRACTICE

Sec. 8.01 Setting Motions for Hearings

All motions shall contain a notice of hearing advising opposing counsel (or pro se litigant) of the date and time a motion is scheduled to be heard. All motions will be heard on a regular motion day to be provided by the Clerk and Master. The hearing date shall be no less than five (5) business days after service of notice. If a motion is noticed for hearing on a date and time on which opposing counsel is unavailable, it is assumed by the court that the motion will be continued by agreement to the court's next regular motion day. When a motion is continued, it shall be the responsibility of counsel to advise the Clerk and Master's office of the rescheduled date so that the motion will be placed on the court's docket.

Sec. 8.02 Failure to Appear at a Motion Hearing; Late Appearance

If any party does not appear at a scheduled hearing on a motion or any other matter scheduled to be heard on the motion docket, the court may strike or adjudicate the motion. Counsel who will be late for a motion hearing shall notify the Clerk and Master in advance of the hearing or have an announcement to that effect made at the beginning of

the motion docket. If the movent fails to appear, the court may tax, as costs, reasonable fees and expenses in favor of the opposing party who did appear at the scheduled hearing.

Sec. 8.03 Time for Hearing Dispositive Pre-Trial Motions

Pre-trial motions which may be dispositive of one or more issues in a case must be set for hearing no less than thirty (30) days prior to the trial on the merits.

Sec. 8.04 Time for Filing Responses to Non-dispositive motions

Responses to non-dispositive motions must be served and filed at least two (2) days before the hearing date.

Sec. 8.05 Time to File Replies to Responses for Non-dispositive Motions

Replies to responses to non-dispositive motions must be served and filed at least one (1) business day before the hearing date.

Sec. 8.06 Motions, Responses, Replies and Briefs

(a) Motions shall clearly state with particularity the grounds therefor, and shall set forth the relief or order sought as required by T.R.C.P. 7.02.

(b) Every motion or response that requires the resolution of an issue of law shall be accompanied by a memorandum of law and facts in support thereof. Any motion, response, brief or memorandum of law that makes reference to a transcript or deposition shall make reference to the specific page(s) of the transcript involved.

(c) If the motion is opposed, a written response to the motion may be filed and served on all parties. The response should state with particularity the grounds for opposition to the motion, supported by legal authority, if necessary.

(d) Responses to motions, including counter-affidavits, depositions, briefs or any other matters presented in opposition to motions, must be filed with the Clerk and Master's office within the time periods set out above, and as provided in the Tennessee

Rules of Civil Procedure.

(e) Replies to responses, if any, must be filed with the Clerk and Master's office within the time periods set out above.

Sec. 8.07 Striking or Postponement of Motions

After a motion has been filed with the Clerk and Master and docketed, no party may strike or postpone a motion without the agreement of all parties, except that a party may strike their own motion without agreement by giving two (2) business days notice to the Clerk and Master and notice to all parties prior to the scheduled hearing date. If a motion is to be stricken or postponed by agreement, counsel shall notify the clerk as soon as practicable. If any party strikes or postpones a motion in violation of this rule, the Court may tax as costs reasonable fees and expenses of any party who appeared at the scheduled hearing.

Sec. 8.08 Motions for Extraordinary/Injunctive Relief

All ex parte requests for extraordinary relief shall comply with Rule 65, Tennessee Rules of Civil Procedure, and shall be filed with the Clerk and Master's office. The Chancellor will decide the matter on the verified pleadings and/or affidavits without consultation with counsel.

Sec. 8.09 Time Limits on Oral Arguments, or Motions Requiring Testimony

If a motion cannot be presented within two hours, the motion must be placed on the court's regular trial docket.

Sec. 8.10 Temporary Support Hearings in Domestic Relations Cases

All Temporary Support Hearings will be heard and decided on the sworn income and expense statements of the parties, sworn affidavits or depositions of the

parties and/or witnesses, and the arguments of counsel. Live testimony will be allowed only at the discretion of the Chancellor.

Sec. 8.11 Temporary Parenting Plans in Domestic Relations Cases

(a) Each of the parties to the divorce action shall submit a proposed Temporary Parenting Plan and shall submit an affidavit of income and expenses. The court will either adopt one of the plans submitted, appropriately alter and adopt one of them or may, in the court's discretion, hear additional testimony before determining a Temporary Parenting Plan.

(b) The court may hold a status conference to determine whether the request for a Temporary Parenting Plan should first be submitted to mediation prior to a decision from the court.

Rule 9

NEGOTIATIONS AND SETTLEMENTS

Sec. 9.01 Court Approval of Settlements

All petitions for the approval of worker's compensation and minors' claims may be presented to the Chancellor in chambers at 8:30 a.m. on any date the Chancellor is holding court. Counsel should notify the Chancellor's administrative assistant of the settlement and the day it is to be presented.

RULE 10

FINAL HEARINGS AND CONTESTED TRIALS

Sec. 10.01 Uncontested Divorce Cases

Counsel may submit irreconcilable differences divorce cases (i.e. Final Decree, MDA, Parenting Plan and Child Support Worksheet) to the Clerk and Master's office the day before the case is scheduled to be heard, and the court will sign the Final Decree of Divorce on the date of hearing.

Sec. 10.02 All Contested Cases

(a) Pretrial Briefs

Pretrial briefs are required in all contested cases except cases tried by a jury. Each pretrial brief shall contain a short statement of facts in support of the party's position and a list of issues to be decided by the court. In cases requiring a resolution of an issue of law, the Pretrial Brief shall also contain legal argument with citation to supporting authority. All pretrial briefs shall be filed with the Court 72 hours prior to trial and served on opposing counsel.

(b) Domestic Relations Cases

In addition to the pretrial brief requirement of Rule 11.02(a), each party shall prepare a written, itemized Schedule of Assets and Liabilities, and state whether each is separate or marital property, the value of the property (or the appreciation of separate property during the marriage) and a proposed division of the marital estate. Each subdivision of the Schedule of Assets (e.g. Real Estate, Personal Property, Securities, Mutual Funds, Retirement Accounts, Automobiles, Credit Cards, Personal Loans, etc.) shall be in alphabetical order to assist the Court in comparing each party's proposal. The parties are encouraged to mirror each others Schedule of Assets and Liabilities so as to assist the Court in this regard.

(c) Valuation of Business in Domestic Relations Cases

In a domestic relations case, if there is a business to be valued (whether Sole

Partnership, Partnership, Corporation or LLC) each party shall prepare a Schedule of Assets and Liabilities of the business, assign value, debt and equity to each item or category, and describe in detail the method used to value the business (e.g. book value, delaware block method, etc.) with supporting legal authority and/or expert report which shall be included in the parties pretrial brief.___

RULE 11

PRE-TRIAL PROCEDURE

Sec. 11.01 Pre-Trial Procedure Civil Actions

In all civil actions set for trial on the merits, at least three (3) business days prior to trial all counsel shall:

(a) Furnish the names and addresses of witnesses (other than impeachment and rebuttal witnesses) to opposing counsel.

(b) Furnish copies of all exhibits proposed to be offered (other than impeachment or rebuttal exhibits) to opposing counsel. When it is impractical to copy exhibits, the proposed exhibits shall be made available for inspection upon reasonable notice.

(c) File depositions to be used as evidence (other than for impeachment) with the Clerk and Master.

(d) File a Pretrial Brief pursuant to Rule 10.02 (a) (b) and/or (c) with the Clerk and Master and serve the brief on opposing counsel.

Sec. 11.02 Notice of Intent to Use Audio/or Visual Recordings Required

When a party intends to offer an audio and/or visual recording as evidence in a jury trial, counsel must provide written notice to all adverse counsel at least thirty (30)

days before trial. Adverse counsel shall be permitted to review the recording in the form to be offered at trial and shall be allowed to copy the recording at his or her expense. Adverse counsel shall promptly advise the other attorney of each objection to the recording. The lawyers shall then attempt in good faith to resolve objections. If no resolution is reached, a motion in limine shall be filed and set sufficiently before trial so that the objections may be ruled on in time to allow any necessary editing.

Sec. 11.03 Contempt Petitions, Proceedings and Judgment

(a) All petitions charging the Respondent with contempt shall specify whether the contempt is for incarceration as a criminal contempt under Tennessee Code Annotated 39-9-103 or for incarceration as a civil contempt under Tennessee Code Annotated 29-9-104 or under Tennessee Code Annotated 36-5-104. All petitions for contempt requesting that the Court impose a fine and/or imprisonment must give the Respondent due notice of the petition and allow a reasonable opportunity to prepare a defense and the petition must be accompanied by a notice to the Respondent of the Tennessee Rules of Criminal Procedure, Rule 42 rights advising the Respondent that the Respondent will be extended the right to be presumed innocent, to remain silent and to be found guilty only upon evidence establishing guilt beyond a reasonable doubt and that if indigent the Respondent has a right to appointed counsel.

(b) The first appearance of a Respondent to a contempt petition which requests incarceration will be an arraignment.

(c) If a person is found guilty of contempt and is sentenced to serve time in jail the party drawing the judgment shall also prepare the jail mittimus.

RULE 12

CONTINUANCES AND AWARD OF FEES AND EXPENSES

Sec. 12.01 Continuances

A. Jury or non-jury cases may not be continued by agreement and may be continued only by leave of Court. Cases will not be continued except for good cause which shall be brought to the attention of the Court as soon as practicable before the date of trial.

B. Absence of a witness will not be grounds for a continuance unless the witness has been subpoenaed in accordance with the requirements of these rules and the Tennessee Rules of Civil Procedure.

C. When a case is set by agreement, failure to have completed discovery, unavailability of counsel on the trial date, inability to take a deposition, or failure to have completed any other trial preparation will not be grounds for a continuance.

Sec. 12.02 Award of Fees and Expenses

In cases continued, the Court may award expenses and attorney's fees, including compensation to witnesses, for lost income, travel expenses, meals and lodging and tax the same as court costs. The Court may also impose unnecessary costs of jurors' appearance as part of the court costs.

RULE 13

SUBPOENAS

Sec. 13.01 Time for Issuing Subpoenas

Subpoenas for a local witness must be issued and dated by the Clerk and Master no later than seven (7) days before the date of trial. If the witness resides out of county, the subpoena must be issued by the Clerk and Master and mailed or otherwise transmitted to the out of county sheriff or other authorized person no later than fourteen

(14) days before the date on which the case is set for trial.

A subpoena may be issued at any time prior to trial; however, if a party does not timely issue subpoenas as required by this rule, the failure of a witness to appear in court will not be considered as grounds for a continuance.

RULE 14

EXHIBITS

Sec. 14.01 Custody of the Clerk & Master

All trial exhibits shall be accounted for and placed in the custody of the Clerk and Master unless otherwise directed by the Court.

Sec. 14.02 Disposition of Exhibits

After a judgment becomes final in any case, the parties shall have thirty (30) days within which to withdraw exhibits. The Clerk and Master may destroy or dispose of exhibits not so withdrawn.

RULE 15

ORDERS AND JUDGMENTS

Sec. 15.01 Written Findings and Conclusions

Requests for written findings of fact and conclusions of law should be accompanied by proposed findings of fact and conclusions of law and submitted in writing prior to the entry of judgment.

Sec. 15.02 Preparation and Submission of Orders and Judgments/Disagreements over Contents

Unless the Court directs otherwise, the attorney for the prevailing party will prepare the order for entry by the Court. Within five (5) days of the Court's ruling, the prevailing attorney shall submit the proposed order to opposing counsel for signature. Opposing counsel shall either sign the order or draft his or her own proposed order and file it with the Clerk and Master within two (2) days. If the order is approved by all attorneys or parties, the Court will sign the order without delay. If the order is not approved by all attorneys or parties, the Clerk and Master will hold the order seven (7) days from its filing, to await the filing of a competing proposed order. The court will sign the order it deems appropriate.

Sec. 15.03 Court Costs

(a) All final judgments shall provide for the taxing of court costs. The Clerk and Master shall refuse to enter any final judgment that fails to tax the court costs, unless the court costs have been previously paid.

(b) Whenever it appears to the Clerk and Master that a judgment has been satisfied but that court costs have not been paid, the Clerk and Master may apply to the Court for a re-taxing of court costs. The Clerk and Master shall notify the parties of the application and the date and time it will be considered by the Court.

Sec. 15.04 Non-Minute Entry Orders

Orders not affecting the legal course of an action, such as orders assigning a case, setting a case for trial, or acting upon a request for a continuance, may be designated by the Clerk and Master as a non-minute entry order. Such designated orders shall be placed in the file of the case but not spread upon the minutes of the court.

Sec. 15.05 Payment and Satisfaction of Judgments

(a) Funds paid to the Clerk and Master by check will not be disbursed until

ten (10) banking days after receipt of the check.

(b) Orders for disbursing funds, other than agreed orders must be final before the Clerk and Master may disburse the funds.

(c) Upon receipt of payment in satisfaction of a judgment, paid direct to the counsel or the parties, the party or their counsel will satisfy the docket by certifying receipt of the judgment on the docket book in the Clerk and Master's office.

RULE 16

SPECIAL MASTERS

Sec. 16.01 Duty to Provide Court Reporter

The parties shall be required to provide a court reporter for the Special Master's proceedings. Other methods of verbatim recording are acceptable so long as the method is agreed upon by all parties.

Sec. 16.02 Objections to Master's Report/Preparation of Transcript

If objections to the Master's report are filed within 10 days of service, the objections shall be clearly stated as well as the reasons therefore. The party filing the objections shall prepare a transcript of the master's proceeding to the extent that will allow the Chancellor to make an informed decision on the objections, if necessary. Citations to the transcript relevant to each objection are required. If the party opposing the objections to the Master's report deems the transcript to be incomplete, the objecting party may prepare additional portions of the transcript as advisable.

Sec. 16.03 Additional Evidence

No additional evidence will be taken by the Chancellor in connection with a hearing on objections to the Master's report. In the event additional evidence is

determined by the Chancellor to be needed, the matter will be remanded to the Special Master for further proceedings and reports.

Sec. 16.04 Notice to Special Master

When a motion for reference to the Master is made and approved by the Court, counsel will contact the Clerk and Master to make sure he or she is aware of the reference and can schedule hearings accordingly.

Sec. 16.05 Special Master's Procedure

References to the Master typically require an initial Master's meeting where (1) the issues are identified; (2) any discovery or briefs required are identified with times set for submission; and, (3) a final hearing date is set. This initial Master's meeting is intended to be short in duration and may be conducted telephonically if requested by an attorney/party.

RULE 17

PROBATE PRACTICE; CONSERVATORSHIPS; GUARDIANSHIPS; NAME CHANGES.

Sec. 17.01 ATTORNEYS

With the exception of petitions by an adult to change his/her name and applications to open an estate pursuant to the Small Estate Exemption, all fiduciaries shall be represented by and all petitions and motions shall be filed by attorneys licensed to practice law in Tennessee, except that attorneys not licensed in Tennessee may appear and file pleadings provided that they have complied with Rule 19 of the Rules of the Supreme Court of Tennessee. Adult persons acting in their individual capacity may file pleadings and appear pro se before the Court, and Fiduciaries who are not attorneys may

submit their annual and final accountings and apply for their annual and final fee request without the intervention of their attorney.

An attorney who files a petition, opens an estate, or who is representing an Interested Party becomes the attorney of record for that party by filing a pleading or notice of appearance and shall remain attorney of record unless and until the Court grants permission to withdraw upon a showing of good cause. However, Guardians ad litem in conservatorships or guardianships shall automatically be relieved of their responsibilities upon the creation of the conservatorship and/or guardianship unless the order expressly provides otherwise.

Sec. 17.02 PLEADINGS AND ORDER

Pleadings are to prepared by counsel and filed with the Clerk and Master before being presented to the court. All orders and decrees other than those confirming reports of the Clerk and Master on accounting and settlements shall be prepared by attorneys of record and approved by them before being submitted to the court.

Sec. 17.03 ESTATES OF DECEDENTS:

(a) Petitions to Probate Wills, Codicils and other Testamentary Instruments**:** A Verified Petition to probate a will, codicil, other testamentary instrument or to administer an intestate estate shall set forth such information as is required by statute and these Rules. In a testate estate the petition shall specifically include the names, and if known, addresses and relationships of all legatees and devisees under the testamentary instrument(s) and in addition thereto that of the surviving spouse and next of kin (even though not named in the will). The value of real and personal property to be administered need not be stated if bond is expressly waived and the named executor or alternate executor is willing to serve.

(b) "Common Form" Proceedings: Petitions to Probate in common form may be heard either by the Court or by the Probate Master. Petitioner shall give Notice to all Interested Parties prior to presenting the will for probate. The Probate Master may hear these matters provided the petition and all accompanying documents are in proper order, as determined by the Probate Master, and there are no questions of law to be determined. If there is a question of law or if the Probate Master declines to hear the petition, the petition shall be heard by the Court.

(c) "Solemn Form"Proceedings: Petitions to Probate in solemn form must be heard by the Court. Service of Process shall be given as required by statute.

(d) Holographic Will Proceedings: All Petitions for the probate of holographic testamentary instrument(s) will be heard by the Court. Notice shall be given to all Interested Parties, including the surviving spouse and next of kin whether or not named as beneficiaries under the testamentary instrument(s). If Notice is not provided, bond may be required regardless of express waiver of such in the will. The testimony of witnesses concerning the handwriting of the decedent must be taken in open court. Upon a showing of good cause the Court may allow such evidence to be taken by affidavit or oral deposition.

(e) Proceedings to Administer Intestate Estates: Petitions to appoint an Administrator of an intestate estate may be heard by the Court or the Probate Master. Notice shall be given to all Interested Parties, including the surviving spouse and next of kin, that the petitioner is filing a petition to administer the estate of the decedent and that no will can be located. If Notice is not provided, bond may be required. The Probate Master may hear these matters provided the petition and all accompanying documents are in proper order, as determined by the Probate Master, and there are no questions of law to

be determined. If there is a question of law or if the Probate Master declines to hear the petition, a hearing on the petition may be set on the court docket. The Petition shall state the approximate respective values of the real and personal property being administered, if known; the names and addresses of the spouse; the next of kin of the decedent; and, whether bond, inventory and annual accountings are waived by written waivers from the spouse and all of the next of kin.

(f) Small Estate Administration Proceedings: Estates to be administered under the provisions of T.C.A. § 30-4-101 et seq. (The Small Estates Act) may be heard by the Court or the Probate Master. Notice shall be given to all Interested Parties, including the surviving spouse and next of kin. If Notice is not provided, bond may be required. The Probate Master may hear these matters provided the affidavit and all accompanying documents are in proper order, as determined by the Probate Master, and there are no questions of law to be determined. If there is a question of law or if the Probate Master declines to act upon the affidavit, a hearing on the affidavit may be set on the court docket. If bond is to be waived, consent forms executed by the spouse and all next of kin allowing the Affiant to administer the small estate without bond must accompany the affidavit.

Sec. 17.04 INTERESTED PARTIES

Interested Parties": An Interested Party is a person or entity having an interest in a matter before the Court. Depending on the type of estate or matter at issue, an Interested Party may include a spouse, beneficiary, legatee, devisee, fiduciary, and next of kin in intestate proceedings. Next of kin are those persons entitled under T.C.A. § 31-2-104 to inherit as if the decedent died intestate.

(a) In a decedent's estate, an Interested Party shall include:

(i) In a solvent testate estate, the surviving spouse and all legatees, devisees

and beneficiaries named in the testamentary instrument being offered or admitted to Probate;

(ii) In a solvent intestate estate, the surviving spouse and intestate heirs of the decedent as described at T.C.A. § 31-1-104;

(iii) In an insolvent estate or one that may become insolvent, whether testate or intestate, the persons set forth in (a) and (b) above and creditors of the decedent whose claims may be adversely affected by a ruling on the matter(s) at issue;

(iv) In a matter contesting the validity of a testamentary instrument offered or admitted to Probate, the surviving spouse and intestate heirs of the decedent as described at T.C.A. § 31-1-104, all legatees, devisees and beneficiaries named in the testamentary instrument being offered or admitted to Probate, and any legatees, devisees, and beneficiaries of any preceding testamentary instrument to that being offered or admitted to Probate.

(b) In a Conservatorship, Interested Parties shall include the spouse and next of kin of the respondent and the person(s) who have been primarily responsible for the respondent's person and/or finances.

(c) In a Guardianship, Interested Parties shall include both parents of the minor, the next of kin if both parents are deceased, legal guardians and person(s) primarily responsible for the minor's person and/or finances.

(d) In a proceeding to terminate a trust, Interested Parties shall include current income beneficiaries, remainder beneficiaries of the trust, all fiduciaries and the grantor, if living.

(e) Notice and Service of Process need not be served upon an Interested Party who joins in a petition as a Petitioner or who files a sworn waiver or consent.

(f) No action of Court shall be set aside due to the failure of an Interested Party to receive Notice unless the Interested Party shall timely appear and show substantial prejudice resulting from the lack of notice and a reasonable likelihood of prevailing on the merits.

Sec. 17.05 REPORTS, AUDITS AND EXCEPTIONS

Reports filed with the Clerk and Master for audit are automatically referred to the Clerk and Master. No action for a reference is necessary. Where no exceptions are taken to the Clerk and Master's report within ten (10) days after filing, the report will stand approved and be entered on the minutes by an order of confirmation.

Sec. 17.06 CLERK AND MASTER to ACT

Unless otherwise ordered by the Court, the Clerk and Master is empowered to hear without a specific order of reference the following matters; (1) applications for letters testamentary and letters of administration, (2) adjudicate claims and exceptions thereto, (3) determine allowance to surviving spouse and family of deceased, (4) preside over assignment of homestead, (5) preside over proceedings for elective share pursuant to T.C.A. § 31-4-101 et seq., and (6) take and state all accounts and settlements. The CLERK and MASTER shall make a written report of his findings and actions on the above matters.

Sec. 17.07 CLAIMS AGAINST ESTATE

Verified claims must be filed with the Clerk and Master in triplicate within four (4) months from the first date of notice to creditors or as otherwise provided in T.C.A. § 30-2-307. When any claim is due on instrument, such instrument, or a photo-copy, shall be filed; and when due by judgment or decree, a copy certified by the Clerk of Court rendering the same shall be filed. Every claim must be verified by the affidavit of the creditor. The

claim fee required by T.C.A. § 8-21-401, shall be paid to the Clerk and Master by the claimant at the time such claim is filed. Claims received by the Clerk and Master that are not accompanied by the said authorized fee shall not be filed.

Sec. 17.08 REVIEW

All actions of the CLERK and MASTER shall be subject to review by the COURT upon exceptions thereto filed within ten (10) days and motion for review. If no exceptions are filed within ten (10) days, counsel or the CLERK and MASTER shall lodge an order of confirmation.

Sec. 17.09 FEES AND EXPENSES

(a) Court approval of legal fees and expenses is required in all circumstances unless: (1) they are approved in writing by all interested parties (or their legal guardian), or (2) they do not exceed the percentages of the estate value set out in one of the following schedules as such are presumed reasonable in the absence of objection ("gross estate" for this purpose is the gross estate for inheritance Tax purposes):

Gross Estate	Schedule 1	Schedule 2
1st 20,000	5%	2.5%
next 80,000	4%	2.0%
next 150,000	3%	1.5%
next 250,000	2%	1.0%
over 500,000	2%	0.5%

(b) Legal Fees & Expenses:

(1) apply Schedule 1 if the personal representative is not regularly engaged in the business of administering estates, or

(2) apply Schedule 2 if the personal representative is regularly engaged in the business of administering estates.

(c) Personal Representative Fees & Expenses:

(1) apply Schedule 1 if the personal representative is either regularly or not regularly engaged in the business of administering estates.

(d) If fees and expenses have not been properly approved as required by this rule, or if objections are filed by motion, the Clerk shall, on reference, determine a reasonable fee and report such to the Court.

Sec. 17.10 MOTIONS FOR INSTRUCTIONS OR FOR INTERPRETATION

In all cases where counsel for the estate requests the court to instruct as to how to handle an issue in the administration of an estate or to interpret or construe a portion of the will, counsel shall file a memorandum of law which shall advise the court of the current state of law on the issue. Counsel shall not, however, take a position on the outcome of the motion.

RULE 18

REAL PROPERTY SALE

Sec. 18.01 Property Description

Complaints seeking sale by partition, general lienor's suits and all other actions to sell real property shall set forth the complete legal description, map-parcel-group number, and the street name and number of the property if there is one.

Sec. 18.02 Orders of Reference

(a) Orders of Reference to the Clerk and Master where appropriate may only require the Clerk and Master to:

1) Determine the owners of the premises to be sold, and the respective rights, titles, and interests of the parties therein;

2) Determine whether the premises are so situated that the partition

thereof cannot be equitably made, or whether they are such description that it would be manifestly to the advantage of all parties that the same should be sold, instead of partitioned in kind; and,

3) Determine whether there are any encumbrances on the premises not disclosed in the pleading; and if so, what, and to whom belonging:

(b) Other items on which the parties request a report from the Clerk and Master not mentioned above must be approved by the court.

(c) The plaintiff's attorney will inform the Clerk and Master when the sale of real estate is sought and when an order of reference is signed.

(d) The plaintiff's attorney will assist the Clerk and Master to set up depositions of the parties, if necessary, to facilitate the Master's report.

Sec. 18.03 Sale Price to Cover Encumbrances

The complaint in any real estate sale shall set out whether the petitioner expects the sale to cover all encumbrances and costs of the sale and by how much. The court will use its discretion in ordering a sale if it does not believe that the sale proceeds will cover all mortgages, liens and other encumbrances as well as the costs of the sale. In cases where the sale proceeds may not cover mortgage holders, plaintiff's attorneys should consider making mortgage holders a party to the case.

Sec. 18.04 Title Searches

The Court or Clerk and Master may require a title search by a qualified attorney prior to the sale of any property. The cost of the title search will be assessed as cost of the sale

RULE 19

DORMANT CASES

Sec. 19.01 Dismissal of Dormant Cases

To expedite cases, the Court may take reasonable measures to purge the docket of old cases where the cases have been dormant for one (1) year without cause shown.

Sec. 19.02 Dismissal for Want of Prosecution

Copies of the order dismissing a case for want of prosecution shall be mailed to all counsel of record or to any party in default without counsel of record, if his whereabouts can be ascertained upon reasonable inquiry by the Clerk and Master.

Whenever the Court determines that justice requires, it may suspend any of these rules.

These rules shall be spread upon the minutes of the Chancery Court for the Nineteenth Judicial District, and a copy of these rules shall be made available to each attorney practicing in said Court. These rules supersede all prior rules of the Chancery Court.

This 16th day of January, 2008.