LOCAL RULES OF PRACTICE
KNOX COUNTY CHANCERY COURT
EFFECTIVE MAY 1, 2009

RULE 1.
ADOPTION OF RULES

These local rules are adopted in conformity with Supreme Court Rule 18 for the Knox County Chancery Court effective May 1, 2009, replacing all previous rules and policies governing Chancery Court. These rules are in addition to and not a substitute for the Uniform Local Rules of Practice for the Sixth Judicial District and to the extent these rules are inconsistent with the Uniform Rules, then the Uniform Rules prevail. Any of these rules may be waived or modified by the Court when the Court finds that justice requires the waiver or modification.

RULE 2.
COURT SESSIONS

Subject to such variations as the Court may find necessary or convenient, the hours of Court shall be 9:30 A.M. to 4:30 P.M., subject to noon recess from 12:00 noon to 1:30 P.M., and with ex parte matters to be heard in chambers from 9:00 A.M. to 9:30 A.M.

RULE 3.
COURT RECORDS

All Court papers and records shall be kept by the Clerk and Master, and no file may be withdrawn except by Court order.

RULE 4.
COMPLAINTS AND PETITIONS; PROCESS; AND SUMMONS

Every complaint and petition shall respectively state the following, if known, for each party: residential address, place and address of employment. Every complaint and petition shall also state the address of the place where each defendant or respondent may be served with process. Upon the filing of a complaint or petition for which a summons is required, the party or the party's counsel filing the complaint or petition may prepare and submit the summons for issuance by the Clerk and Master. Counsel and unrepresented parties are responsible for keeping the Clerk and Master's office advised of correct mailing and other identifying information at all times. It is

not the responsibility of the Court or the Clerk's office to investigate the whereabouts of a party or attorney.

RULE 5.
SUBPOENAS

All requests for subpoenas for trials or hearings shall be in writing and delivered to the Clerk and Master, or by filing a completed subpoena form lacking only the signature of the Clerk and Master, and shall state specifically the witness's full name, as well as where and when the witness may be served with the subpoena. The absence of a witness for a trial or hearing shall not be a ground for continuance unless a witness subpoena request complying with the above was accomplished by the party seeking the continuance no later than 7 days prior to the trial or hearing and the failure to obtain private service of a subpoena upon the witness is satisfactorily explained by the party seeking the continuance.

RULE 6.
SETTING CASES, MOTIONS AND PRE-TRIAL HEARINGS

(A) The clerk of Court or Judicial Secretary will set all cases at issue for trial and all motions and other matters for hearing, and give notice thereof, except that child support pendente lite hearing dates in domestic relations cases to be heard by the Referee will be assigned at the Clerk's counter. Persons desiring special settings and hearings should contact the office of the Court.

(B) The Court with or without oral argument may decide pre-trial motions. If any counsel or *pro se* party is unavailable upon a day on which a motion is set for oral argument, such counsel or *pro se* party shall obtain another date acceptable to the Court and all other counsel, and shall submit an order before the date of the scheduled hearing approved by all counsel and *pro se* parties setting the motion for hearing on such alternate date.

RULE 7.
CONTINUANCES

Cases set for trial or hearing may be continued only by order or leave of the Court.

RULE 8.
LIMITATIONS ON FILING DISCOVERY MATERIAL, INTERROGATORIES, REQUESTS TO ADMIT AND REQUESTS FOR DOCUMENTS

(A) *Documents not to be filed*. Pursuant to Tenn. R. Civ. Pro. 5.05, the following shall not be filed with the Court except pursuant to special order of the Court or for use in proceedings: depositions upon oral examination; interrogatories; requests for documents; requests for admissions; and answers and responses thereto.

(B) *Number*. No party shall serve upon any other party more than 30 interrogatories or requests to admit or requests for documents, however numbered, lettered or sub-divided, without leave of Court. If a party is served with interrogatories or requests to admit or requests for documents exceeding 30, response to only the first 30 shall be made. Any motion seeking leave to serve more than 30 interrogatories or requests to admit or requests for documents shall set out each additional interrogatory or request to admit or requests for documents together with the reason establishing good cause for exceeding the limit of 30.

(C) *Responses*. The response to each interrogatory or request to admit or requests for documents shall be preceded by the interrogatory or request to admit.

RULE 9.
MOTIONS TO COMPEL DISCOVERY

All motions to compel discovery shall be signed and filed with the clerk, shall include a certificate of service to the adverse party or counsel and may be accompanied by a proposed order. The proposed order will be tendered by the clerk to the Chancellor for entry ten (10) days after filing the motion unless the adverse party or counsel requests in writing a hearing prior to the expiration of the ten (10) day period. Any motion to compel discovery not accompanied by a proposed order will be set for hearing by the Chancellor's secretary.

RULE 10.
COURT COSTS

All orders and judgments which tax costs shall contain both the current home address and employment address of those charged with all or any part of the costs of the cause and shall be signed by the tendering party(ies) or their counsel. The tendering party(ies) shall also provide on a format supplied by the Clerk and Master's office a certificate pursuant to this Rule as to the correctness of the

identifying information of those charged with or obligated to pay the costs. In any event, the bill of costs may be sent to those responsible for costs in care of the attorney for such responsible person(s). Sureties on bonds may only be released upon compliance with Tenn. Code Ann. §29-33-101 et seq. and with a provision for a substitute surety.

RULE 11.
ENTRY OF JUDGMENT AND ORDERS

The prevailing party upon any motion or trial shall prepare an appropriate order or judgment for entry in the case. The judgment or order shall be filed with the Clerk within 10 business days following the Court's ruling or trial. It shall be approved by all counsel of record and any *pro se* parties, or shall bear a certificate of service on any counsel or *pro se* party who refuses to approve it as required by Tenn. R. Civ. Pro. 58(2).

Any counsel or *pro se* party who refuses to approve an order or judgment shall file an alternate proposed order or judgment with the Clerk within 5 business days following service of the proposed order or judgment filed by the prevailing party. Such alternate proposed order or judgment shall bear a certificate of service as required by Tenn. R. Civ. Pro. 58(2).

RULE 12.
NOTICE OF ENTRY OF JUDGMENT: MAILING

Any party or counsel requesting the Clerk to mail or deliver a copy of the entered judgment to all parties or counsel under TRCP 58.03 shall present with the judgment a list of all parties or their counsel entitled to receive notice with their current mailing addresses and payment of an amount as determined by the Clerk and Master to be sufficient to pay for mailing.

RULE 13.
DOMESTIC RELATIONS CASES

(A) *APPLICATION*. The provisions of Rule 13 apply to all actions for divorce, child custody, visitation, child support and alimony. The Domestic Relations Local Rules and Policies of September 1, 1989 and September 2, 1997, are no longer in effect in Chancery Court.

(B) *INFORMATION AND PLEADINGS*. Each initial pleading or motion

shall set forth the information required by Rule 4 of these rules and as required by Tenn. Code Ann. §36-4-106. Pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act, Tenn. Code Ann. §36-6-201 et. seq., all filings in which the custody of a child is at issue shall set forth in the first filing the information required by the Act and in particular by Tenn. Code Ann. §36-6-224.

(C) *TIME PERIOD BEFORE HEARING*. No action for the granting of a divorce shall be heard until it shall have been at issue or subject to default for 30 days.

(D) *PRETRIAL AFFIDAVIT AND PROPERTY LIST*. No later than 5 days prior to trial in actions for divorce, both parties shall file a joint affidavit outlining their income and their expenses together with a joint list of property and debts listing their separate property and marital property; listing their debts; proposing a division of the marital property and marital debts; and if alimony or spousal support is demanded, the type, amount, duration, and the statutory basis for the granting of the demand. Should the parties dispute a classification of property as being separate or marital, they shall separately list the same in their affidavit as disputed. No later than 5 days prior to trial, the parties shall also exchange copies of their U.S. Income Tax Returns for the 2 tax years next preceding the trial date, regardless of whether the returns were filed by the parties with each other jointly. If a party's tax return has not been filed for either or both of the 2 tax years next preceding the trial date, that party, in lieu of the tax return or tax returns not filed, shall give to the other party copies of all of the documents that reflect all of the income for the party for each of the 2 years for which a tax return has not been filed.

(E) *CHILD SUPPORT*.

(i) *Referee Hearings*. The Referee shall be limited to hearing, and shall hear, all petitions to grant, to modify and to enforce child support and to modify and to enforce alimony provided child support is also at issue. The Referee shall not set any petition for hearing in any matter unless a parent has filed an application in the case for support services pursuant to Title IV-D of the Social Security Act.

(ii) *Child Support and Alimony Financial Statements*. Upon the filing of a petition or motion seeking the modification of child support or alimony, each party shall file, no later than 5 days prior to the hearing, an affidavit listing the assets, debts, gross monthly income and monthly living expenses of each party to the extent known to the filing party, as well as any other relevant financial facts that the filing party desires the Court to consider.

(F) *PARENTING PLANS AND PARENT EDUCATION SEMINARS*.

(i) In all actions seeking the establishment of residential schedules and/or parenting responsibilities, the plaintiff or petitioner shall file with the complaint temporary parenting plans agreed upon by the parties, or, if no agreement has been reached, a proposed temporary parenting plan of the plaintiff or petitioner.

(ii) If no agreement has been reached, the defendant or respondent shall file with the answer, the defendant's or respondent's proposed temporary parenting plan.

(iii) If only one party files a proposed temporary parenting plan in compliance with Rule 13(F)(i) or (ii), that party may petition the Court for an order adopting that plan by default. Upon a finding that the plan is reasonable and is in the best interest of the child (children) in accordance with Tenn. Code Ann. §36-6-403(2), the plan may be adopted by the Court by default.

(iv) If both parties submit a proposed temporary parenting plan but cannot agree on a temporary parenting plan, then the parties shall engage in dispute resolution subject to the limitations and restrictions set forth in Tenn. Code Ann. §36-6-409. In the event dispute resolution is not available or the parties are still unable to agree, either party may request a hearing for the Court to establish a temporary parenting plan.

(v) If the parties are unable to agree on a permanent parenting plan, the parties shall participate in alternative dispute resolution and comply with the provisions of Tenn. Code Ann. §36-6-404(c) (3). If the parties have not engaged in dispute resolution, or if neither party has filed a proposed permanent plan at least 15 days prior to the trial date, then the trial of the case shall be continued unless an agreed permanent parenting plan is submitted on or before the date for trial.

(vi) If the case is continued for failure to comply with Rule 13(F)(v), then the parties shall, within 30 days of the date the trial was continued, submit proposed permanent parenting plans and participate in dispute resolution. Failure to do so may result in the imposition of any of the sanctions set forth in Rule 16 of the Tennessee Rules of Civil Procedure.

(G) *RECONCILIATION.* In reconciliation situations, if the cause is not simultaneously dismissed, an Order of Reconciliation shall be entered.

RULE 14.
SETTLEMENT OF CASES INVOLVING WORKERS' COMPENSATION CLAIMS AND DISABLED PERSONS

All pleadings must be filed with the Clerk and Master before hearing in all workers' compensation settlements and settlements involving minors and incompetents or disabled persons.

RULE 15.
APPLICATION FOR FEES

All applications for attorney's fees and expenses shall be supported by a statement, verified by the attorney under oath, setting forth in detail the basis for the fees sought. The criteria in Tenn. Sup. Ct. R. 8, RPC 1.5, will control the awarding of the attorney's fees.

RULE 16.
GUARDIAN AD LITEM APPOINTMENTS

In all cases involving the appointment of a guardian ad litem, the party seeking relief shall present the Court with a proposed order providing for the appointment of a guardian ad litem leaving a space blank for the Court to insert the name of the guardian ad litem.

RULE 17.
PROBATE DIVISION FILINGS

All proceedings, claims, and accountings concerning the administration of a decedent's estate, including testamentary administration, intestate administration, and testamentary trustee proceedings, as well as proceedings for the appointment of a guardian for one entitled to funds in the hands of a personal representative of a decedent's estate, shall be filed in the Probate Division of Chancery Court. All other proceedings, including guardianships, conservatorships, and other fiduciary matters, shall be filed in the other division of the Chancery Court, known as "Chancery Court."

All initial petitions to open the administration of a decedent's estate shall comply with Tenn. Code Ann. §30-1-117 and the initial hearing on such petitions shall be scheduled in accordance with the practices and procedures established by the office of the Probate Division of Chancery Court. All parties or their counsel filing pleadings to open or to close a decedent's estate administration shall

comply with the certification requirements of Rule 10.

RULE 18.
PROBATE HEARINGS

The Clerk and Master shall have all of the authorization afforded to the Clerk and Master under Tenn. Code Ann. §16-16-201(b) except that applications for fees shall be heard by the Chancellor; however, the Chancellor may, by a special order of reference, appoint the Clerk and Master to conduct hearings upon applications for fees. Counsel or unrepresented parties may have probate matters set for hearing by requesting a setting from the office of the Probate Division of the Chancery Court. Probate matters set for hearing before the Clerk and Master may be continued only by leave of the Court by written order.

RULE 19.
CLERK AND MASTER REPORTS

Orders of reference to the Master shall be in accordance with Tenn. R. Civ. Pro. 53; provided, a transcript of the proceedings and of the evidence shall be deemed waived unless the order of reference specifically requires a transcript of the proceedings and of the evidence. Upon the expiration of the time for the filing of an exception to the Clerk and Master's Report, the Clerk and Master shall prepare an order for entry by the Chancellor approving the Master's Report which order shall not require the signature of the parties or the attorneys of record, but shall be mailed by the Clerk and Master to all attorneys of record and all unrepresented parties. The Clerk and Master shall affix his certificate to the order that he has mailed the order as required by this rule.

RULE 20.
JUDICIAL SALES AND TITLE OPINIONS

Upon the entry of an order, decree or judgment directing the sale of real property, the Clerk and Master shall cause to be filed a title opinion issued by an attorney whose practice includes a substantial amount of real property title examinations. The expense of the title opinion shall be taxed as a cost of the cause to be deducted and paid from the proceeds of the sale unless otherwise specifically ordered.

RULE 21.
JUDICIAL SALES: "ACCORDING TO LAW"

In the event an order, decree, or judgment of sale directs the Clerk and Master to "sell according to law," such provision shall be deemed to mean, unless otherwise expressly provided by Court order, that the Clerk and Master shall conduct the sale in accordance with the provisions of Tenn. Code Ann. §35-5-101 et. seq. with the sale to occur at the City-County Building, within the corridor of the Main Street entrance, near the Large Assembly Room, 400 Main Street, Knoxville, Tennessee, and with the sale to be for cash. Unless otherwise expressly provided by Court order, the term "cash," shall mean 10% down on the day of sale with the balance to be paid in full to the Clerk and Master within 30 days from the sale date. In the event of such a sale for cash within the above meaning, the Clerk and Master may take a note from the purchaser, without interest, payable within thirty (30) days from the date of sale, for the balance to be paid in full to the Clerk and Master within thirty (30) days from the sale date and may retain a lien on the property sold as further security.

RULE 22.
CORPORATE PURCHASES AT JUDICIAL SALES

Unless otherwise authorized by the Court, any purchase by a corporation of property on a credit at a judicial sale shall be guaranteed by two individuals who reside within Knox County, Tennessee.

RULE 23.
LEGAL ADVICE BY COURT PERSONNEL

All Court personnel are forbidden from interpreting any rules of procedure or giving any legal advice. Notice is hereby given to all persons that Court personnel assume no responsibility for any misinformation regarding substantive law, procedural rules, local rules or local customs.