IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

_____

vs. DOCKET NO: _____

_____

ISSUANCE OF WRIT OF RESTITUTION ON GENERAL SESSIONS APPEAL

[MUST BE SUBMITTED PRIOR TO ENTRY OF FINAL JUDGMENT IN CIRCUIT COURT]

Pursuant to T.C.A. §29-18-126, it has been ten (10) days since the judgment for possession was entered in General Sessions Court and the Plaintiff requests that the Clerk issue a **Writ of Restitution** pursuant to the following (check the one that applies):

☐ **T.C.A. §29-18-130(b) (1)** - Plaintiff has posted ***double*** the value of one (1) year's rent in the amount of $ _____ .

T.C.A. §29-18-130(b)(1) *- "If the defendant pray an appeal, then, in that case, the plaintiff shall execute bond, with good and sufficient security, in double the value of one (1) year's rent of the premises, conditioned to pay all costs and damages accruing from the wrongful enforcement of such writ, and to abide by and perform whatever judgment may be rendered by the appellate court in the final hearing of the cause."*

OR

☐ **T.C.A. §29-18-130(b) (2)** - Defendant has not posted the value of one (1) year's rent.

T.C.A. §29-18-130(b)(2) *- "In cases where the action has been brought by a landlord to recover possession of leased premises from a tenant on the grounds that the tenant has breached the contract* ***by failing to pay the rent, and a judgment has been entered*** *against the tenant, subdivision (b)(1) shall not apply. In that case, if the defendant prays an appeal, the defendant shall execute bond, or post either a cash deposit or irrevocable letter of credit from a regulated financial institution, or provide two (2) good personal sureties with good and sufficient security in the amount of one (1) year's rent of the premises, conditioned to pay all costs and damages accruing from the failure of the appeal, including rent and interest on the judgment as provided for herein, and to abide by and perform whatever judgment may be rendered by the appellate court in the final hearing of the cause. The plaintiff shall not be required to post a bond to obtain possession in the event the defendant appeals without complying with this section. The plaintiff shall be entitled to interest on the judgment, which shall accrue from the date of the judgment in the event the defendant's appeal shall fail."*

DATE: _____

SUBMITTED BY: _____ *(Signature)*

_____ *(Print Name)*

ADDRESS: _____

_____

PHONE NUMBER: _____

WRIT OF RESTITUTION

STATE OF TENNESSEE, COUNTY OF DAVIDSON

TO THE SHERIFF OF SAID COUNTY:

Whereas, at a trial of forcible and unlawful detainer had in said County on the _____ day of _____, 20_____ , before the Metropolitan General Sessions Court, Part _____ , of Davidson County, Tennessee judgment was given that _____ _____ , plaintiff(s) recover from _____ , defendant(s) possession of a certain tract or parcel of land bounded, or unknown and described as follows: _____

_____

_____

SPECIAL INSTRUCTIONS TO SHERIFF: _____

_____

_____

_____

WE, THEREFORE, COMMAND YOU that you forthwith take with you the force of the County, if necessary, and cause the said plaintiff(s) in such judgment, to have and be restored to the possession of said tract or parcel of land, and that you remove the said defendant(s) in said judgment, therefrom, and give the said plaintiff(s) peaceable possession of said premises and make immediate return to the Court as to how you have executed this writ.

No. _____

_____
Plaintiff(s)

VS.

_____
Defendant(s)

WRIT OF RESTITUTION

CIRCUIT COURT

Issued _____ day of _____, 20_____ , (being after ten days from judgment).

RICHARD R. ROOKER

CIRCUIT COURT CLERK

By: _____
Deputy Clerk

_____

Came to hand same day issued and executed in full as commanded.

This _____ day of _____, 20 _____ .

_____
Sheriff

_____
Attorney for Plaintiff

_____
Telephone

Print Form