

## EMERGENCY COURT PROCEDURES

ORIGINALLY POSTED JANUARY 6 2021. NO UPDATES SINCE.

KEEP CHECKING THIS PAGE FOR UPDATES

WHICH WILL BE LISTED AT THE BEGINNING OF THIS PAGE *(MAKE SURE TO REFRESH OR RELOAD)*.

As you probably already know, the Seventh Circuit Court (Probate Division) issued an order on December 18, 2020, to be effective on January 1, 2021, moving all court hearings in the Seventh Circuit Court to remote hearings pending further orders. Subsequently, the Tennessee Supreme Court issued order No. ADM2020-00428 on December 22, 2020, forbidding in-person court hearings with limited exceptions through the month of January.

To efficiently and effectively navigate through this time, several changes to our normal operations have been made pending further orders of court:

- **ALL JANUARY WEDNESDAY AND THURSDAY 10 AM DOCKETS HAVE BEEN CHANGED - CASES HAVE BEEN SWITCHED TO DIFFERENT DOCKETS.**

For details and instructions, and instructions on how to access the video hearings, [click here](#). YOU MUST READ THIS.

- **Any objections/responses to a pleading must be signed and filed in writing 48 hours before the hearing date, except motions responses which must be filed by 11:59pm the Monday before the hearing.** If no objection is timely filed, the Court may proceed as if there are no objections.
  - **If you don't have an attorney**, contact the clerk for how to file your written objection.

The switching of cases to different dockets has been done to accommodate these general changes made to the Court schedule during this remote time, pending further orders:

**WEDNESDAY 9 AM DOCKETS** (Probate Master Elizabeth Johnson): **Video only**. The Probate Master will conduct her hearings as scheduled by video, with these exceptions:

- If your hearing is a bond review, no need to appear if you file the inventory by 11:59pm the Monday before the hearing. If you file it later than that, you are expected to appear on the video hearing.
- If your hearing is a show cause hearing, it will be cancelled if you file what was required to be filed at least a week before the hearing. Otherwise, you must appear.

**WEDNESDAY 10 AM DOCKETS** (Judge Randy Kennedy): **No hearings**. Cases on this docket will be reviewed without a hearing on or shortly after this date by either the Judge or one of the Masters. If you originally set your case on a Wednesday in January, please check [dockets instruction page](#) for the changes to confirm what day your case is set to be heard.

- The Court will **create and sign its own order** unless the Court otherwise specifically requests one from you.
- Make sure to **arrange with the Probate Court Clerk for payment of publication to creditors**, if needed, as the clerk cannot mail you letters of authority until that is paid. There is a drop box outside the Probate Clerk's office.
- See below for instructions on certain types of cases.
- **There are three exceptions** for the cases on this docket that will remove that case to a later video or in-person hearing docket:

**1) A request for hearing is filed** (must use [THIS FORM](#)) at or before 11:59 p.m. the Friday before the hearing, and then emailed to [seventhcircuit@jnsnashville.gov](mailto:seventhcircuit@jnsnashville.gov). If one is filed, Court personnel will contact you to reschedule to another docket a video or in-person hearing before Judge Kennedy.

**2) A relevant objection to the pleading is filed** at or before 11:59 p.m. on the Monday (Tuesday during the week of MLK Day) before the hearing. If the Court deems the objection relevant to the proceeding before the Court, Court personnel will contact parties to reschedule to another docket for a video or in-person hearing before Judge Kennedy.

**3) The Judge or Master reviewing the pleadings decides a hearing is necessary**, at which point Court personnel will contact parties to reschedule to another docket for a video or in-person hearing before Judge Kennedy.

**THURSDAY 9:30 AM ROCKET DOCKET** (Special Master Scott Pilkinton): **No hearings**. Cases set for this time have been moved to a Wednesday docket. If you originally set your case on a rocket docket in January, please check the [dockets instruction page](#) for the changes to confirm what day your case is set to be heard.

**THURSDAY 10 AM DOCKET** (Judge Randy Kennedy): **Video only**. Cases on this docket will be given a specific time to log in, on or after which the hearing will be held.

- Please email your proposed order to [seventhcircuit@jnsnashville.gov](mailto:seventhcircuit@jnsnashville.gov) AT LEAST 48 HOURS IN ADVANCE of the hearing, otherwise it may not be signed for at least a week after the hearing.
- If you originally set your case on a Thursday in January, please check the [dockets instruction page](#) for the changes to confirm what day your case is set to be heard.
- **If you require an in-person hearing instead on good cause shown**, you must use [THIS FORM](#) at or before 11:59 p.m. the Friday before the hearing, and then emailed to [seventhcircuit@jnsnashville.gov](mailto:seventhcircuit@jnsnashville.gov). If one is filed and approved, Court

personnel will contact you to reschedule to an in-person hearing before Judge Kennedy.

- **If we moved your case to a different date**, you are allowed to request a change. You must use [THIS FORM](#) at or before 11:59 p.m. the Friday before the hearing, and then emailed to [seventhcircuit@jnsnashville.gov](mailto:seventhcircuit@jnsnashville.gov). If one is filed and approved, Court personnel will contact you to reschedule. If your case is on the same docket on which it was originally set, Local Rule on continuances applies.

**FRIDAY 10 AM MOTION DOCKET** (Judge Randy Kennedy): **Video only**. This docket will be held as usual but by video.

- Please email your proposed order to [seventhcircuit@jnsnashville.gov](mailto:seventhcircuit@jnsnashville.gov) AT LEAST 48 HOURS IN ADVANCE of the hearing, otherwise it will not be signed for at least a week after the hearing.
- See the [motion instruction page](#) for more information on the dockets and how to access the video hearings.

**If you need a case heard earlier than the available dockets, file a motion to request expedited hearing and inform chambers by email or phone that you have filed it. The motion will be considered without a hearing and you will be contacted. The more detail in your motion as to why your case needs to be heard quickly, the better.**

#### **Information for Specific Case Types:**

##### **Petition to Probate Will (regular or muniment):**

- We expect the original will to be filed at least 48 hours before the hearing. There is a drop box outside the Probate Court Clerk's office.
- If you plan on presenting witnesses to prove the will, contact chambers for further instructions.
- If the virus situation prevents you from obtaining the original Will (such as your clients are in the vulnerable class and cannot safely retrieve it), file an amendment to your petition, signed by your client under penalty of perjury, requesting a copy of the Will be temporarily probated until the original will is filed and why this is necessary. The order granting the probate of the copy may limit the personal representative's powers until the original is filed, and a review hearing will be set for mid-summer that will be cancelled upon the filing of the original.

##### **Petition to Probate Lost Will:**

- These will be reviewed without a hearing IF you have filed written consents to probate the copy by all the heirs at law (and all beneficiaries of a previous Will if

found) AND you have in affidavit form presented proof to overcome the presumption the Will was not revoked or destroyed by the testator.

- Otherwise, expect to be contacted to reset your case for a video hearing on a Thursday with enough time to send notice to all interested parties.

**Petition to Sell Real Property to Pay Debts:**

- These will be reviewed without a hearing IF you have filed written consents by all vested owners of the real property (see T.C.A. § 31-2-103) and others with interest in the property (creditors not necessary) approving of selling the property.

**Name Changes (Minor or Adult):**

- The Court prefers these to be in person, so they shall be continued to March.
- However, if the name change is due to divorce or marriage, and the person can prove the name they are changing to is the name they held before the divorce or marriage, that petition will be set on a Wednesday and reviewed without hearing.

**Exception Hearings to Claims:**

- These are adversarial hearings and, due to the nature of most claimants in this court (large entities without representation), these will be reset to March to insure due process. However, hearings involving represented claimants will be reset to a January docket. Please see the dockets page.

**Petition to Terminate or Modify Trust:**

- The Court has reset Petitions to Terminate or Modify a trust that were set in January to a Wednesday docket. If the termination or modification is based on T.C.A. § 35-15-411 and written consents from all qualified beneficiaries are filed, the Court will review without hearing. Otherwise, the Court will review your petition and if needed, transfer to a video docket.

**Petition to Approve Settlement Agreements**

- The Court has reset any settlement petitions to a Wednesday docket. If the Court finds all interested parties have signed the agreement and it is filed, the Court will review without a hearing. Otherwise, the Court will contact you and transfer to a video docket.