

SEVENTH CIRCUIT COURT FOR THE TWENTIETH JUDICIAL DISTRICT  
STATE OF TENNESSEE / METROPOLITAN NASHVILLE -DAVIDSON COUNTY  
(PROBATE DIVISION)

PLEASE KEEP CHECKING THIS SPACE FOR FURTHER UPDATES

**UPDATED SEPTEMBER 30th**

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- On September 29th, Governor Lee issued Executive Order #64 extending previous orders allowing for remote notarization and witnessing **for those physically located in Tennessee**. This new order is in effect through Friday, October 30, 2020.
  - <http://publications.tnsosfiles.com/pub/execorders/exec-orders-lee64.pdf>

**OTHER EMERGENCY ORDERS STILL IN EFFECT**

The Tennessee Supreme Court has approved the Twentieth District Court’s Proposed Plan for Reopening, which includes the Seventh Circuit’s specific plan. For the entire order, please go to

[https://www.tncourts.gov/sites/default/files/docs/20th\\_approved\\_w\\_clarification\\_5-21.pdf](https://www.tncourts.gov/sites/default/files/docs/20th_approved_w_clarification_5-21.pdf)

The Seventh Circuit court is **NOW OPEN**, subject to clarifications and exceptions listed below in order to comply with the rule that no more than ten persons, excluding court personnel, may be in the courtroom.

- The Supreme Court’s “Order Extending State of Emergency and Easing Suspension of In-Person Court Proceedings” filed May 26<sup>th</sup>, extends portions of its previous order, including allowing filings under penalty of perjury instead of notarization and encouraging use of methods to limit in-court proceedings. The order can be found here: [https://www.tncourts.gov/sites/default/files/docs/tsc\\_order\\_5-26.pdf](https://www.tncourts.gov/sites/default/files/docs/tsc_order_5-26.pdf)
- This Court’s “Order Authorizing Inventories and Accountings to be Signed Under Penalty of Perjury Until the Expiration of the Supreme Court Order Continuing Suspension of In-Person Proceedings and Extension of Deadlines” clarifies that inventories and accountings can be signed under penalty of perjury. Go to <http://circuitclerk.nashville.gov/probate/forms/PJProbate.pdf>

**The order allowing original wills to be late-filed is no longer in effect. Please file your will in advance if you are not required to come to court.**

**So, should you come to court? See next page.**

## CLARIFICATION AND EXCEPTIONS TO COMING TO COURT

Should you come to court? Well, it depends on the docket and the case, as well as other factors. Here is a summary intended as a guide only and we will update this as more situations arise.

**If you required to come to court**, you MUST inform the Court at least SEVENTY-TWO (72) HOURS before your trial time as to the number of witnesses that are expected to be called. IF YOU FAIL TO DO THIS, the Court may, in its discretion, continue the case or bar the witness or witnesses from testifying.

**If your case is docketed on a Monday, Tuesday, Wednesday afternoon, or Thursday afternoon:**

**COME TO COURT**, unless a member of Judge Kennedy's staff contacts you otherwise.

**If your case is docketed on a Wednesday morning or Thursday morning:**

**If you are the affiant of a small estate**, **COME TO COURT** unless notified by a staff member of Judge Kennedy's court. If you are represented by an attorney, make sure to contact your attorney before coming.

**If you are petitioning to change your name or correct a birth certificate**, **COME TO COURT.**

**If the petition is one of the below and is NOT contested or objected to**, then **DO NOT COME TO COURT**. The Judge or Special Master will review the pleadings for these cases and sign the order if no objections or issues found. If the Judge or Special Master sees an issue that cannot be resolved by phone, we will reschedule the hearing.

- **Petition to open or reopen an estate, including to probate a will in common form** (including muniment, holographic Wills, and lost wills) if affidavits are filed proving the instrument and, if a lost will, proof that the instrument was not destroyed or revoked);
  - o Make sure the original will is filed BEFORE the hearing date...the order won't be signed until it is filed
- **Petition to appoint an administrator ad litem;**
- **Petition for a successor personal representative** IF the proposed fiduciary is a successor PR in the will, if testate, or an heir at law, if intestate, or if not, all interested parties sign consent for the proposed fiduciary to serve;
- **Petition regarding a trust that is not adversary** (trustee resignation, terminate trust, change situs, reform trust, etc);
- **Petition to determine heirs** if needed for a wrongful death case and the heirs match what was alleged in the estate petition.

**If your petition is to probate a will in solemn form:**

**COME TO COURT**, as well as the witnesses to the will.

**If your case is a show cause hearing for failure to file a status report, inventory, or accounting:**

**DO NOT COME TO COURT** if you filed the required document prior to the hearing  
**DO COME TO COURT** if you have not filed the required document.

**If your case is a bond review:**

**DO NOT COME TO COURT** if you filed the inventory required. If bond was reserved pending the sale of real property, then don't come only if you filed the settlement statement from the sale.

Otherwise, **COME TO COURT** unless otherwise notified by a member of Judge Kennedy's staff.

**If your case is to sell real property to pay debts:**

**If you have filed ALL of these:**

- The contract (if you are requesting approval of a contract)
- An appraisal (if you are requesting approval of a contract. It can be a tax or licensed appraisal)
- Written consents from ALL vested owners

Then **DO NOT COME TO COURT**. The Court will contact you if there is an issue and will reschedule if it cannot be resolved.

Otherwise, **COME TO COURT**.

**If your petition is to terminate a conservatorship:**

If the reason is because the ward died and proof of death has been filed, and either the conservatorship was over person only or accountings were waived, then **DO NOT COME TO COURT**.

Otherwise, **COME TO COURT**.

**If your petition is to approve distribution:**

If you have filed the proposed plan of distribution, then **DO NOT COME TO COURT.**

Otherwise, you must file the comprehensive plan of distribution and re-set the hearing.

**If your petition is for elective share, year's support, homestead, and/or exempt property:**

If you filed the required information of Local Rule 39.12, **COME TO COURT.**

Otherwise, **DO NOT COME TO COURT.** You will need to reset the petition to another hearing date and comply with the Local Rule.

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**ALL OTHER CASES SET ON A WEDNESDAY OR THURSDAY MORNING**

**COME TO COURT**

UNLESS OTHERWISE NOTIFIED BY A MEMBER OF JUDGE KENNEDY'S STAFF.

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**If you have a motion on Friday morning:**

We have adopted Local Rule 26.04(g). If no objection has been filed to your motion, **DO NOT COME TO COURT.** If the Court needs more information from you, we will conduct a phone hearing if possible, or re-set the motion if not.

Exceptions: if your motion is one for instructions, **COME TO COURT,** unless otherwise notified by a member of Judge Kennedy's staff.

If an objection has been filed within the time allowed by Local Rule, **COME TO COURT.** We may contact you to give you a staggered time within the same docket time-period in order to follow the ten person maximum. If an objection is filed late, the Court may rule on the motion or re-set the hearing.

**IMPORTANT NOTE:** If you, your client, or expected witness are in the population extremely vulnerable to the virus and you have to come to court, **CONTACT CHAMBERS IMMEDIATELY.**