

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

AS YOU KNOW, THIS IS A FLUID AND DYNAMIC SITUATION. PLEASE KEEP REFERRING TO THIS WEBSITE FOR UPDATES. WE'LL POST THE RECENT UPDATED INFO AT THE TOP AND INCORPORATE PREVIOUS UPDATES INTO THE REST OF THE DOCUMENT.

UPDATES ON MARCH 25TH:

- The Tennessee Supreme Court today [posted a new order](#) that extends the prohibited in-court proceedings, with some exceptions, through April 30th. This court's procedures as described below will remain in place until then.
 - Please take particular note of this paragraph in the Supreme Court's order since notarized verifications are often required in probate court pleadings: *"With regard to notarizing documents at this time, attorneys and judges are encouraged to utilize the "Online Notary Public Act," Tenn. Code Ann. § 8-16-301, et seq., and the regulations promulgated by the Secretary of State at Sec. of State, Tenn. R. and Reg. 1360-07-03-.01. Additionally, with regard to court filings, declarations under penalty of perjury may be used as an alternative to a notary."*
- **PROBATE MASTER HEARINGS:**
 - All hearings before Probate Master Elizabeth Johnson through April are continued indefinitely and will be reset to a later date, subject to the below:
 - All exception hearings before her (not Judge Kennedy), such as exceptions to claims, objections to inventories and accountings, fee disputes, etc, are continued indefinitely but the attorneys are responsible for contacting the Court for a new date once the Supreme Court order is lifted. Attorneys must file notice of hearing when the new date is acquired.
 - **For show cause hearings:** if you file the requested documentation BEFORE the originally scheduled hearing date, the show cause will be stricken. Otherwise, the Court will reset the hearing once courtrooms can be utilized.
 - **For review hearings where documentation was requested but your attendance was not required if the documentation was submitted prior to the review hearing date:** if you file the requested documentation before the originally scheduled review hearing, the review hearing will be stricken and the Probate Master will review the documentation. Otherwise, the Court will reset the hearing once courtrooms can be utilized.

- **For review hearings where your attendance was REQUIRED:** the Court will reset the hearing once courtrooms can be utilized.
- **Bond review hearings:** bonds will be set based upon the inventory filed, so inventories must be filed before the originally scheduled hearing date.
- Exception hearings to claims that were set in March or April before Judge Kennedy are re-set to May 11, 2020, at 10 a.m.
- The Clerk's office is open, but closed to walk-up traffic, so call the office instead of dropping by. There is a lockbox placed outside the clerk's office for filings.

THIS COURT'S PROCEDURES DURING THIS TIME:

Pursuant to the updated Tennessee Supreme Court order No. ADM2020-00428, filed March 25, 2020, that suspended most in-court proceedings from March 13, 2020, through April 30th, here are the procedures the Seventh Circuit Court is now implementing until further notice:

THERE WILL BE NO IN-COURT PROCEEDINGS IN MARCH UNLESS YOU ARE CONTACTED BY THE COURT AND ONLY IF YOUR CASE FALLS WITHIN THE SUPREME COURT EXCEPTIONS.

PRO SE LITIGANTS:

- If you know how to e-file, see the attorneys section below.
- If you don't know how to e-file, contact the Probate Court Clerk for information on what its procedure is for filing. **DO NOT COME TO THE COURTHOUSE WITHOUT CALLING AND TALKING WITH THE CLERK.** The clerk's office is open, but not open to walk-in traffic.

INTERESTED PARTIES WITHOUT ATTORNEYS:

- **If you wish to contest something that has been filed, including fee motions, you MUST file a written statement with the clerk stating your objection and the reasons why. Please include the case number, case name, and your name printed neatly so the Court can read it. Please also include your phone number! Finally, you must sign your statement.** Because of this public health emergency, some pleadings will be ruled upon without a hearing and the Court won't know of your objection unless you file something! If you don't know how to e-file, contact the Probate Court Clerk for information on what its procedure is for filing. **DO NOT COME TO THE COURTHOUSE WITHOUT CALLING AND TALKING WITH THE CLERK.**

ATTORNEYS:

- Please e-file your pleadings, motions, and other papers as you normally would, and please continue to set those cases on an available Wednesday or Thursday morning

docket or Friday motion docket (for motions only). If you are not ready to set your filing on a docket yet, you will need to file a notice of hearing with an approved date when you are ready.

CASES DOCKETED ON A WEDNESDAY OR THURSDAY MORNING IN MARCH OR APRIL:

- By blanket order signed by Judge Kennedy on March 17, 2020, all petitions for letters of administration, petitions to probate a will (for full admin or for muniment only), petitions to reopen estates, petitions to appoint an administrator ad litem, name change petitions, and small estate affidavits will be reviewed by the Special Master at some point after the scheduled docket date of your case. During this time, please email your proposed orders to seventhcircuit@jis.nashville.org instead of e-filing them.
- Any contested case or case that fits outside the normal parameters of what the Special Master hears will, by Local Rule, be declined by the Special Master and sent to the Judge. The Judge will review these cases as well as any other case not sent to the Special Master and decide under his discretion whether to rule on the case without a hearing, rule on part of the case and continue indefinitely another part, hold a telephonic or video hearing, or continue the entire case indefinitely until an in-courtroom hearing can be safely held. If he does not sign the order, you will be contacted. During this time, please email your proposed orders to seventhcircuit@jis.nashville.org instead of e-filing them.
- *For cases with Wills/Codicils:* the original testamentary instrument will need to be filed with the clerk before the order is signed. There is a drop box outside the clerk's office for your use. Please keep checking this website for further information and procedures in case there are changes to public access to the building.
- If you are opening a full administration of an estate, you will need to arrange with the clerk payment for publication for creditors before your specific letter of authority is issued.

CONSERVATORSHIPS AND GUARDIANSHIP CASES:

THOSE ALREADY DOCKETED IN MARCH OR APRIL:

- After the Judge reviews the pleadings and GAL report (if one was appointed), the Court will contact you as to how the Court will proceed with your case (continued, rule upon without hearing, hold a telephonic or video hearing, etc). Under no circumstances is any party to appear at the courthouse without prior instruction from the Court.

- Guardian ad litem must file their report three or more days before the docketed date of the case! This statutory requirement has not been changed. File what you know...you can always file as a supplemental report what you've learned since your initial report.

THOSE FILED BUT NOT YET DOCKETED:

- The Court will, as always, decide whether or not to appoint a guardian ad litem and will contact you about further proceedings. If you have not been contacted after two weeks have passed since you filed the pleading, please feel free to call us and check, but not before then.

CASES SPECIALLY SET IN MARCH AND APRIL (MONDAYS, TUESDAYS, WEDNESDAY AFTERNOONS, THURSDAY AFTERNOONS)

- Your case is continued indefinitely. The Court will be reviewing those cases, however, and if it is apparent to Judge Kennedy immediate action needs to be taken before May, the Court will contact you regarding Judge's decision on how and when to hear your case. Do NOT come to court.
- For all other cases, the Court will contact you to reschedule your hearing when the courtroom is available to safely hold hearings.

CASES SPECIALLY SET IN MAY OR BEYOND (MONDAYS, TUESDAYS, WEDNESDAY AFTERNOONS, THURSDAY AFTERNOONS)

- Your case will proceed as scheduled, unless the Supreme Court extends its order to include weeks in which you case is scheduled. If that happens, the procedure for your case will be handled the same way as the above March/April cases.

MOTION DOCKET

- Continue to file your motions and set on an available motion date no less than two weeks after your filing.
- After a particular motion day, the Judge will review your motion and any response filed, and under his discretion determine whether to rule upon the motion without a hearing, to hold a telephonic hearing with those that filed the motion and those that filed any responses, or to continue the motion until the courtroom can be safely utilized.
- During this time, please email your proposed orders to seventhcircuit@jis.nashville.org instead of e-filing them. Please be patient after a motion day for your order to be signed or for you to be contacted.

THANKS TO ALL OF YOUR FOR YOUR PATIENCE AND UNDERSTANDING AS WE ALL TRY TO HEED THE ADVICE OF EXPERTS TO HINDER THE SPREAD OF THIS AWFUL VIRUS. WE KNOW OUR COURT IS SPECIAL BECAUSE OF THE WONDERFUL ATTORNEYS THAT COME BEFORE US, AND WE WELCOME YOUR SUGGESTIONS AND IDEAS IF THIS PANDEMIC CONTINUES TO DISRUPT COURT PROCEEDINGS.