

# **Fax Filing in Circuit/Probate Court**

## **Tennessee Rules of Civil Procedure Rule 5A**

**All Circuit Court/Probate Court Clerk fax filings must be filed through our dedicated fax number printed on the fax filing cover sheet.**

### **All pleadings filed by fax must meet the criteria listed below**

- Be accompanied by the attached cover sheet.
- Not exceed fifty (50) pages in length, unless authorized by court.
- Pleadings may not be split into multiple facsimile transmissions. For example, a one hundred fifty (150) page pleading may not be sent in three (3) separate transmissions of fifty (50) pages each.
- All faxes will be handled through our computer system.

### **What documents CANNOT be fax filed**

- Any filing which requires a filing fee and/or litigation tax. A few examples are as follows:
  - New Civil Complaints
  - New Divorce Complaints
  - Petition for Contempt/Modification
  - Any Appeal to Circuit Court
- Summons
- Any document to be filed under seal
- A Notice of Appeal
- A Will or Codicil to a Will; a Bond; or any pleading or document requiring an Official Seal

### **Filing faxed pleadings**

#### **(Received by the Clerk)**

- Pleadings faxed and received from 4:30 p.m. – 11:59 p.m. on days when the Clerk's Office is open are deemed filed the day of transmission.
- Pleadings faxed and received from 12:00 a.m. to 7:59 a.m. on days when the Clerk's Office is open are deemed filed the previous business day.
- Pleadings filed on a Saturday, Sunday, legal Holiday or day in which the Clerk's Office is closed are deemed to be filed the previous business day. (Example: a motion was faxed to our office on Easter Sunday – the date it was considered filed would be the previous Thursday, since our office was closed on Friday for Good Friday)

#### **(Risk of conveying document)**

- The sender bears the risk of conveying the document. Provisions are in the rule to remedy the filing date of unsuccessful transmissions. If questions regarding this arise, please refer to T.R.C.P. 5A.03 (3).

#### **(Facsimile service charge for faxing)**

- The cost for fax filing in addition to the normal filing fee is five dollars (\$5.00) for each fax filing plus one dollar (\$1.00) per page (including the cover sheet). (Example: 7 page document plus cover sheet is \$5.00 + \$8.00 = \$13.00 service charge)
- The fee for fax filing must be paid by the sender. It may not be taxed as court costs subject to the following exception. If the sender has been allowed to proceed on a pauper's oath, then the charge shall be taxed as court costs. The payment for each fax filing must be received by the Clerk's Office within ten (10) calendar days after the fax filing.