



County Technical Assistance Service
INSTITUTE for PUBLIC SERVICE

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Clerk and Master Records Retention Schedule

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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| Clerk and Master Records Retention Schedule 3 |
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Clerk and Master Records Retention Schedule

Reference Number: CTAS-2053

Clerk and Master Records. The records included in this schedule are those for the office of the clerk and master. Many of the materials in this schedule will also be important to county clerks that serve as clerks for probate court. They are divided into different sections based on the types of records. Records that may be kept in the same format by several county offices (such as employment records, purchasing records, etc.) will be found listed under topical retention schedules in this manual. Included in this table is a listing of “obsolete” records. Your office should no longer be generating these records. They are still included in the disposition schedule so that anyone discovering those materials in older records of the office will know how to deal with them. To a certain extent, the records kept by county offices vary from county to county in either the format of record kept, the name given to the record or the frequency of its occurrence. This is particularly true of court records which may vary according to local rule and practice and especially confusing concerning the varying forms of docket books that courts may have utilized over the years. The fact that a certain record is listed in this schedule does not necessarily indicate that you should have it in your office. It may be a format for record-keeping that was never utilized in your county, or you may keep the record under a different name. If you have records in your office that are not listed in this schedule by name, check the descriptions of the records to see if we may have called it by a different term. If you still cannot locate any entry relative to the record, contact us at the County Technical Assistance Service for guidance in determining the proper disposition of the record and so that we can make note of that record’s existence to include it in future revisions of this manual.

Retention Schedule for the Office of the Clerk and Master

| Description of Record | Retention Period | Legal Authority/ Rationale |
|--|--|-------------------------------|
| A. Civil Action Files | | |
| 05-001 Briefs —Statements of the case, legal theory and arguments for a party in a case. | Maintain for three years after final disposition of case, then notify parties and destroy. | T.C.A. § 18-1-202(b). |
| 05-002 Chancellor’s Opinions —Statements by the chancellor of the decision reached in regard to a cause heard before him relating the law as applied to the case and giving reasons on which the judgment is based. | Permanent record. | T.C.A. § 18-1-202(a). |
| 05-003 Civil Actions, Record of —All original process, pleadings, chancellor's opinions and orders in each civil case, motions, master’s reports, affidavits, etc. | Permanent record. | T.C.A. § 18-1-202(a). |
| 05-004 Discovery Records —Interrogatories, depositions and other legal devices to obtain information concerning a case prior to trial. | Maintain for three years after final disposition of the case, then notify parties and destroy. | T.C.A. § 18-1-202(b). |
| 05-005 Doctor’s Depositions in Worker’s Compensation Cases | See Trial Exhibits and Evidence, below. | |
| 05-006 Summonses —A writ notifying a person that a court action has been commenced against him, and that he is required to appear on a day named and answer the complaint in such action. | Permanent record. | T.C.A. § 18-1-202(a). |
| 05-007 Trial Exhibits and Evidence —Any documentary evidence and exhibits presented at trial that become part of the record of the case. For physical evidence, see T.C.A. § 18-1-206. | Retain 10 years after final judgment, then destroy unless local rule of court provides for a different retention period. | T.C.A. § 18-1-202(a). |
| B. Bonds | | |
| 05-008 Appearance and Bail Bond | | |
| Records —Bonds and recordings of bonds executed by defendants and sureties showing defendant's name, name of person serving as | Retain 10 years after final judgment, then destroy. | T.C.A. § 18-1-202(a). |

Retention Schedule for the Office of the Clerk and Master

| Description of Record | Retention Period | Legal Authority/ Rationale |
|---|---|--|
| surety, amount of bond, and signatures of the accused and sureties. | | |
| 05-009 Attachment and Injunction Bonds —Bonds executed in attachment and injunction cases insuring defendant against damages likely to occur as a result of wrongful suing, showing date of bond, names of principal and sureties, amount of bond, condition of the obligation, and signatures of principal and sureties. | Retain 10 years after final judgment, then destroy. | T.C.A. § 18-1-202(a). |
| 05-010 Cost Bonds, Civil Cases —Bonds executed to insure payment of court costs, showing names of plaintiff and defendant, amount and date of bond, condition of the obligation, and signatures of principal and sureties. | Retain three years after final judgment, then destroy. | T.C.A. § 18-1-202(b). |
| 05-011 Guardian’s Bonds —Loose file original bonds executed by guardians to insure the discharge of duties obligations, showing names of estate, guardian, minors, and sureties, amount of bond, date executed, conditions of the obligation, date of approval by the court, and signatures of principal, sureties, and judge. | Retain 10 years after final judgment, then destroy. | T.C.A. § 18-1-202(a). |
| 05-012 Miscellaneous Bond Books —Receivers', indemnifying, appearance, cost, refunding, replevin, etc., bonds, showing names of principal and sureties, style of case, amount and date of bond, condition of the obligation, and signatures of principal and sureties. | Retain 10 years after release, replacement or expiration of all bonds in book, then destroy. | T.C.A. § 18-1-202(a). |
| C. Dockets [Note: Dockets are kept in varying formats in different courts. Not all of the following dockets may be found or kept in your court. Much of the information may be combined into one docket or maybe be kept electronically pursuant to T.C.A. § 10-7-121. Except for Mental Health and Adoption Dockets, most other dockets may now consolidated into a single docket. The fact that separate listings are given for dockets below does not mean that these records must be kept separately.] | | |
| 05-013 Alimony and Child Support Dockets & Ledgers —Docket shows date alimony and child support paid to court clerk, date paid out by him or her, name of person to whom paid, and amount. | Retain 25 years after last entry, then destroy. | Retention period based on period of dependency of minor. |
| 05-014 Appeal Dockets —Record of cases going to appellate courts showing style of case, date, and ruling of the court; may show court costs. | Retain 10 years after last entry, then destroy. | T.C.A. § 18-1-202(a). |
| 05-015 Appearance and Rule Dockets —Record of first appearance of all causes in court, showing date filed, names of attorneys, style of case, security, and action taken. | Permanent record. | T.C.A. § 18-1-202(a). |
| 05-016 Bar Dockets (aka Hearing Dockets, Trial Dockets, or Judge’s Docket Sheets) —A record prepared for the use of the chancellor, clerk and master and bar, listing all cases set for trial in court, showing date of court term, case number, names of attorneys, plaintiff, defendant, date case filed; may also show page and volume number or recordation in minute book. This is basically a working paper, but may have record value in some counties. | As long as the information in this record series is found in other records which are retained for 10 years, these are considered working papers records and may be destroyed when no longer useful. | T.C.A. § 10-7-406(b). |

Retention Schedule for the Office of the Clerk and Master

| Description of Record | Retention Period | Legal Authority/ Rationale |
|---|--|---|
| 05-017 Delinquent Tax Docket Book —Record of property taken over by the county, showing description of property, whether redeemed or not, by whom redeemed, amount of taxes, date, and decree of court relevant to property. | If the county maintains this information in this format, retain as a permanent record. | These records could have bearing on land title and therefore need to be maintained. |
| 05-018 Distribution Dockets —Dockets showing the detailed distribution of funds belonging to an estate, etc. | Permanent record. | This record has long term significance to the parties. May also contain information affecting land title. |
| 05-019 Execution Dockets and Indexes —A financial record of cases tried, showing date or court term, style of case, nature of action, amount of judgment and cost, and amount and date paid. | Permanent record. | T.C.A. § 18-1-202(a). |
| 05-020 Guardian and Trustee Dockets —Record of proceedings pertaining to guardianships and trusteeships showing names of guardians, trustees, minors, trustors, etc., amount of bond, names of sureties, and date executed; may also include dates, letters and orders issued, dates of annual and final settlements, and book and page number of recordings in minute book. | Permanent record. | This record has long term significance to the parties. May also contain information affecting land title. |
| 05-021 Motion Dockets —Docket shows names of plaintiff and defendant, date motion filed, nature of motion, and remarks. | As long as information in these records is found in other records which are retained for 10 years, these are considered working papers and may be destroyed when no longer useful. | T.C.A. § 10-7-406(b). |
| 05-022 Rule Dockets and Indexes —A record of original processes issued and filed incident to cases tried in court, showing number of case, date and hour filed, names of complainant, respondent, and solicitors; also date and nature of process, names of bondsmen, date process served, note of officer's return, and rules and orders of the court. | Permanent record. | T.C.A. § 18-1-202(a). |
| 05-023 Worker's Compensation Dockets —Docket shows name of person applying for compensation, date of application, date and amount of judgment, and accrued costs. | Permanent record. | T.C.A. § 50-6-225. |
| D. Financial Records —The disposition schedule for many of the financial records of the court can be found in schedule number 15 in this manual, entitled General Accounting and Purchasing Records. The items included below are those financial records unique to the office of the clerk and master. | | |
| 05-024 Fee Books —A record of fees collected by the clerk and master in court litigation, showing date of collection, from whom received, on what account, style of case, and amount collected. This book is no longer used in most counties. | Retain 10 years after clerk's tenure is broken, then destroy. May be obsolete. | T.C.A. § 18-1-202. |
| 05-025 General Account Ledgers (refer to execution docket) —Ledger accounts of funds received from sales of property in settlement of estates, alimony payments, and payments of judgments and court costs; money distributed by the clerk and master showing style and number of | Permanent record. | May have bearing on land title. |

Retention Schedule for the Office of the Clerk and Master

| Description of Record | Retention Period | Legal Authority/ Rationale |
|--|---|--|
| <p>case, date of collection, name of person from whom received, and amount; date of payment, name of payee, number of check issued, and amount; may show cash book and page number from which entry was posted.</p> | | |
| <p>05-026 Investment Ledger— Record of funds belonging to estates and ordered to be invested.</p> | <p>Permanent record.</p> | <p>This record may have significance to the parties for decades.</p> |
| <p>05-027 Notes—Original notes submitted to the clerk for funds loaned by order of the court, showing date and amount of note, date due, style of case from which funds are loaned, and signatures of principal and sureties; may also be notes executed to the clerk and master as payment for real estate purchased at court sales.</p> | <p>Retain 10 years after payment of note, then destroy.</p> | <p>This record has long term significance to the parties. May also contain information affecting land title.</p> |
| <p>05-028 Payroll Records</p> | <p>See separate retention schedule in this manual for employment records.</p> | |
| <p>05-029 Receipt Books—Duplicates of receipts issued for payment of judgments and costs in litigation, showing date of receipt, name of payor, amount and purpose of payment, names of complainant and respondent, and signature of clerk and master.</p> | <p>Retain 10 years after issuance of last receipt, then destroy.</p> | <p>T.C.A. § 18-1-202(a).</p> |
| <p>05-030 Receipt Books, Delinquent Tax—Duplicates of receipts issued for payment of delinquent taxes, showing receipt number, date issued, name of taxpayer, amount, year of assessment, district number, number of acres of farm land, number of town lots, valuation, personal property valuation, amounts of state and county taxes, interest, penalty, and total amount of payments.</p> | <p>Retain 10 years after issuance of last receipt, then destroy.</p> | <p>T.C.A. § 18-1-202(a).</p> |
| <p>05-031 Unclaimed Funds, Record of —Record of funds in hands of clerk unclaimed for 7 years and turned over to state, showing style of case, case number, respondent, and amount.</p> | <p>Retain 10 years, then destroy.</p> | <p>Record kept for audit purposes and a reasonable period to allow interested parties to make inquiries.</p> |
| <p>E. Guardian and Conservatorship Records 05-032 Administrator and Guardian Notifications (Appointments), Record of—A record of notification of appointments to guardian and administrators, showing date of official notice, name of ward or estate, and date of final settlement with the court.</p> | <p>Permanent record.</p> | <p>This record has long term significance to the parties. May also contain information affecting land title.</p> |
| <p>05-033 Conservator’s Bonds—Loose file original bonds executed by conservators to guarantee performance of duties showing names of persons for whom responsible, amount of bond, date executed, conditions of the obligation, approval of the judge, and signatures of principal, sureties, and judge.</p> | <p>Retain 10 years after expiration of bond, then destroy.</p> | <p>T.C.A. § 18-1-202.</p> |
| <p>05-034 Conservator’s Bonds, Record of—Bound original and/or recorded copies of conservator’s bonds.</p> | <p>Retain 10 years after expiration of bond, then destroy.</p> | <p>T.C.A. § 18-1-202.</p> |
| <p>05-035 Conservator’s Settlements, Record of— Recorded copies of conservator’s settlements with the court showing name of person for whom responsible, name of conservator, date of appointment, receipts and</p> | <p>Permanent record.</p> | <p>This record has long term significance to the parties. May also contain information affecting land title.</p> |

Retention Schedule for the Office of the Clerk and Master

| Description of Record | Retention Period | Legal Authority/ Rationale |
|--|--|---|
| disbursements during the period reported, totals, balance due, date of settlement, acknowledgment and approval of the court, date recorded, and signature of the clerk. | | |
| 05-036 Guardians’ Bonds and Letters, Record of— Bound original and/or recorded copies of guardians' bonds. Letters show names of guardian, estate, and minors, order of the court, date issued, and name of the clerk. | Retain 10 years after expiration of bond, then destroy. | T.C.A. § 18-1-202. |
| 05-037 Guardian Files— These files may include orders, petitions, claims, bills of costs, inventories, accounts, receipts, settlements, and recapitulations. All of these records except petitions should be recorded. | Permanent record. | This record has long term significance to the parties. May also contain information affecting land title. |
| 05-038 Guardian Rule Dockets— Record of all proceedings pertaining to guardianship of minors, showing names of guardian and minors, amount of bond, names of sureties, date executed, date letter of guardianship issued, dates of annual and final settlement by guardian, dates of orders confirming settlements, and book and page number of recording in minute book. | Permanent record. | This record has long term significance to the parties. May also contain information affecting land title. |
| 05-039 Guardian Settlements, Record of— Recorded copies of settlements filed by guardians showing whether partial or final, name of guardian, name of minor, date of report, amounts of receipts and disbursements, name of payee, and purpose of payment. | Permanent record. | This record has long term significance to the parties. May also contain information affecting land title. |
| 05-040 Ward Receipts— Show testimony of ward and receipt for all demands against the guardian when ward has become 21 years old. Receipt shows date, name of guardian and ward, and description of items. | Retain 10 years after termination of the guardianship, then destroy. | Retention period established to cover period of time during which a controversy might arise. |
| F. Index Books | | |
| 05-041 Divorce and Adoption Cases, Index— Indexes to original divorce and adoption cases, showing names of parties, style of case, case number, and file container in which record is filed. NOTE: Record series may contain confidential information. | Permanent record. | Necessary for use of other permanent records. |
| 05-042 General Index— Index to all original case papers, showing file number and names of complainant and respondent. | Permanent record. | Necessary for use of other permanent records. |
| 05-043 Guardian Index— Index to guardians showing name of guardian and book and page number of recording. | Permanent record. | Necessary for use of other permanent records. |
| 05-044 Judgment Index Books (see Divorce and Adoption cases, Indexes) | Permanent record. | Necessary for use of other permanent records. |
| 05-045 Minute Books and Indexes— Minutes show the course and proceedings in all cases from their origin to termination, giving name of defendant, offense charged, date of trial, verdict of jury, and sentence of the court. | Permanent record. | Necessary for use of other permanent records. |
| G. Probate Court Records (transferred to Clerk and Master in most counties) | | |
| 05-046 Abstracts of Conveyances— Record of real estate transfers in probate court showing amount of sale, date of transaction, names of parties to the transfer, and dates recorded. | Permanent record. | This record has long term significance to the parties. May also contain information affecting land |

Retention Schedule for the Office of the Clerk and Master

| Description of Record | Retention Period | Legal Authority/ Rationale |
|--|---|--|
| <p>05-047 Administrator’s Bonds—Loose file original bonds executed by administrators to guarantee the performance of duties, showing names of estate, administrator, sureties, amount of bond, date executed, conditions of the obligation, approval of the judge, and signatures of principal, sureties, and judge.</p> | <p>Retain for 10 years after expiration of bond, then destroy.</p> | <p>title. T.C.A. § 18-1-202.</p> |
| <p>05-048 Administrator’s Bonds and Letters, Record of—Bound original and/or recorded copies of administrators’ bonds; also letters showing names of administrator and estate, order of the court, date issued and name of the clerk. Oaths to perform the will of the deceased, or for faithful performance of duties, may also be included.</p> | <p>Retain for 10 years after expiration of bonds, then destroy.</p> | <p>T.C.A. § 18-1-202.</p> |
| <p>05-049 Administrator’s Files (Wills may be Annexed)—These files may include orders, petitions, claims, bills of cost, inventories, accounts, receipts, settlements, and recapitulations.</p> | <p>Permanent record.</p> | <p>Since these files include orders, preserve permanently (T.C.A. § 18-1-202). It is also necessary to permanently preserve original of all wills.</p> |
| <p>05-050 Administrator’s Rule Dockets—An account of proceedings pertaining to settlements of administrators showing name of administrator, amount of bond, names of sureties, date of letter of administration or statement, book and page number of recordation, dates of partial and final settlements, date of filing, and dates of court orders confirming settlements.</p> | <p>Permanent record.</p> | <p>Rule dockets are maintained permanently (T.C.A. § 18-1-202).</p> |
| <p>05-051 Administrator’s Settlements, Record of— Recorded copies of administrators' settlements with the probate court showing name of deceased, name of administrator, date of appointment, book and page number where will is recorded, receipts and disbursements during the period reported, totals, balance due estate, date of settlement, acknowledgment and approval by the court, date recorded, and signature of the clerk.</p> | <p>Permanent record.</p> | <p>This record has long term significance to the parties. May also contain information affecting land title.</p> |
| <p>05-052 Estate Receipts of Executors, Administrators, and Clerk—Original receipts taken by the clerk for disbursement of funds incident to estate settlements showing date of receipt, amount and purpose of payment, signature of payee, and source from which funds were derived. Also includes affidavits of heirs who have become of age, acknowledging settlement for their portions of estate involved, showing names of guardian and heir, date and amount of settlement, date of affidavit, and signature of heir. These may be loose files or bound volumes.</p> | <p>Permanent record. Preserve original bound volumes permanently.</p> | <p>This record has long term significance to the parties.</p> |
| <p>05-053 Estate Sales, Accounts of—Itemized accounts of sales of estates of deceased persons as submitted to the county court by administrators, showing date and nature of all</p> | <p>Permanent record.</p> | <p>This record has long term significance to the parties. May also contain information affecting land</p> |

Retention Schedule for the Office of the Clerk and Master

| Description of Record | Retention Period | Legal Authority/ Rationale |
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| transactions. | | title. This record has long term significance to the parties. May also contain information affecting land title. |
| 05-054 Estate Settlement Files | Permanent record. | |
| 05-055 Executor’s Bonds —Loose file original bonds executed by executors to guarantee the performance of all duties, showing names of principal and sureties, amount of bond, date executed, conditions of the obligation, date of approval by the judge, and signatures of principal, sureties, and judge. | Preserve originals permanently if not microfilmed; if microfilmed, retain 30 years, then destroy. | These records have been determined to have significant historical material. |
| 05-056 Executor’s Bonds and Letters Index —Index to executors' bonds and letters showing name of executor and book and page number of recording. | Permanent record. | These records have been determined to have significant historical material. |
| 05-057 Executor’s Bonds and Letters, Record of — Bound original and/or recorded copies of executors' bond; also letters showing names of administrator and estate, order of the court, date issued, and name of the clerk. Oaths to perform the will of the deceased, or for faithful performance of duties may also be included. | Preserve originals permanently if not microfilmed; if microfilmed, retain 30 years after last issued bond, then destroy. | These records have been determined to have significant historical material. |
| 05-058 Executor’s Files —These files may include orders, petitions, claims, bills of costs, inventories, accounts, receipts, settlements, recapitulations, and wills. All of these records except petitions should be recorded. | Preserve originals of all orders, distributed receipts, & inheritance tax receipts not microfilmed; if microfilmed, originals may be destroyed after final settlement. Preserve permanently original of all wills. Retain all other records in file 10 years if not microfilmed, then destroy; if microfilmed, destroy after final settlement of estate. | These records have been determined to have significant historical material. Any court orders must be preserved permanently. |
| 05-059 Executor’s Rule Dockets —An account of proceedings pertaining to settlements of executors showing name of administrator or executor, amount of bond, names of sureties, date of letter of administration or testament, book and page number of recordation, dates of partial and final settlements, date of filing, and dates of court orders confirming settlements. | Permanent record. | This record has long term significance to the parties. May also contain information affecting land title. |
| 05-060 Executor’s Settlements, Record of — Recorded copies of executors' partial and final settlements with probate court showing names of estate and executor, date of appointment, book and page number where will is recorded, receipts and disbursements during the reported period, totals, balance due estate, date of settlement, acknowledgment and approval of the court, date recorded, and signature of the clerk. | Permanent record. | This record has long term significance to the parties. May also contain information affecting land title. |
| 05-061 Homestead, Dower and Dissent Records — Original papers, including petitions to county court asking for appointment of | Permanent record. | This record has long term significance to the parties. May also contain |

Retention Schedule for the Office of the Clerk and Master

| Description of Record | Retention Period | Legal Authority/ Rationale |
|--|---|---|
| <p>commissioners to set aside homestead and dower sufficient for needs of widow and family pending settlement of estates, oaths of commissioners with signatures, date of oath and signature of county court clerk administering oath, reports of commissioners showing recommendations regarding portion of estate that may be set aside, and itemized list of items to be included, and petition and orders in case where spouse of deceased dissents from the will.</p> | Permanent record. | information affecting land title. |
| <p>05-062 Insolvent Estates Proceedings, Record of— Record of proceedings in the settlement of insolvent estates including administrator's suggestion of insolvency, showing names of estate and administrator, date filed, court's order for publication of notice to creditors to file claims; list of claims filed showing date filed, number of claims, name of claimant, date due, and signature of person to whom payment is made.</p> | Permanent record. | Certain of these materials may significantly affect land title and property rights. |
| <p>05-063 Inventories of Estates, Record of—Recorded inventories of estates of deceased persons listing all property belonging to the estate and value of each item, showing name of administrator, executor, or guardian filing same, date filed, and date sworn to and subscribed before a notary public of the clerk.</p> | Unless materials are all and obviously of historical significance, retain 10 years, then destroy. | T.C.A. § 18-1-202. |
| <p>05-064 Land Sales, Record of—Record of land sales authorized by the court at the instance of heirs showing style of case, date of sale, name of purchaser, amount of consideration, date and terms of payment, and distribution of funds received from sale.</p> | Permanent record. | This record has long term significance to the parties. Contains information affecting land title. |
| <p>05-065 Notes, Record of—Record of notes executed by purchasers of land sold by decree of the court in settlement of estates, showing number of note, date executed, date due, amount of note, district number, names of complainant and respondent, and signatures of purchaser and surety; on reverse side of note a record of payments showing amount, date paid, and signature of the clerk.</p> | Permanent record. | This record has long term significance to the parties. Contains information affecting land title. |
| <p>05-066 Probate Court Minutes—Recorded minutes of probate court proceedings, including the appointment of administrators, executors, and guardians, estate settlements, probation of wills, adoption and insanity hearings, and the dispatch of all probate matters coming within the jurisdiction of probate court.</p> | Permanent record. | This record has long term significance to the parties. May also have historical significance. |
| <p>05-067 Realty Transfer Record—Probate Court— Record of real estate transfers showing amount of sales, date of transaction, names of parties to transfer, description of property by metes and bounds, and date recorded.</p> | Permanent record. | This record has long term significance to the parties. Contains information affecting land title. |
| <p>05-068 Receipt Books (aka Distribution of Estates Books)—Original receipts made to the clerk for money paid out by him in transacting the business of the court. An example: the</p> | Permanent record. | May include important information for tracing land title transfers. |

Retention Schedule for the Office of the Clerk and Master

| Description of Record | Retention Period | Legal Authority/ Rationale |
|---|---|---|
| settlement of estates and the sale of land for purpose of petition, showing date of payment, and clerk's signature. Receipts may be pasted in volume. | | |
| 05-069 Receipts, Miscellaneous —Duplicates of receipts issued by the clerk for money received by him in process of settlements with agents of estates, showing date of receipt, amount received, name of payor, purpose of payment, and clerk's signature. | Retain five years, then destroy. | Keep for audit purposes. T.C.A. § 10-7-404(a). |
| 05-070 Rule Dockets —Record of suits for sales of land, partitioning of estates, and habeas corpus proceedings showing names of attorneys, plaintiff, and defendant, process and rules, date petition filed, date set for hearing, subpoenas to answer, date bond filed; may also include decree date of the court and final disposition of the case. | Permanent record. | Rule dockets are retained permanently (T.C.A. § 18-1-202). |
| 05-071 Settlements —See Administrator's Files. | Permanent record. | See Administrator's Files. |
| 05-072 Trustees and Assignees' Bonds and Oaths — | | |
| Loose file original bonds of trustees and assignees appointed for benefit of creditors, showing name of appointee, by whom appointed, date and amount of bond, and signatures of principal and sureties; also oath to perform faithfully all duties imposed by law, to make an inventory of all goods, chattels, lands and other assets conveyed to him, and to return or cause to be filed in the clerk's office an account of all sales, and moneys received, or securities taken; shows acknowledgment of the clerk. | Retain five years after release, replacement or expiration of bond, then destroy. | Maintain for audit purposes (T.C.A. § 10-7-404(a)). |
| 05-073 Trustees and Assignees' Bonds and Oaths, Record of —Bound original and/or recorded copies of trustees' and assignees' bonds and oaths. | Retain five years after release, replacement or expiration of all bonds in bound volumes, then destroy. | Maintain for audit purposes (T.C.A. § 10-7-404(a)). |
| 05-074 Widows' and Orphans' Provisions, Record of — A record of provisions made by the court for the support of widows and orphans, showing itemized account of commodities and cash provided. | Permanent record. | Record has historical significance. |
| 05-075 Wills —Original wills filed for probate and recording showing name of testator, date instrument executed, names of legatees, provisions for the partition, distribution, and administration of the state, names of witnesses and testator, clerk's notation of the court's action, and book and page number of recordation. | Permanent record. | This record has long term significance to the parties. Contains information affecting land title. |
| 05-076 Wills, Record of —Recorded copies of wills showing name of testator, date instrument executed, names of legatees, provisions for the partition, distribution, and administration of the estate, names of witnesses and testator, date of probation, and approval of the court. | Permanent record. | This record has long term significance to the parties. Contains information affecting land title. |
| H. Process, Court Orders, Writs, Etc. | | |
| 05-077 Attachments on Personal Property —Writs issued during court action to | Retain 10 years after final settlement of case, then | T.C.A. § 18-1-202(a). |

Retention Schedule for the Office of the Clerk and Master

| Description of Record | Retention Period | Legal Authority/ Rationale |
|--|--|---|
| seize the personal property of the defendant to be held as security for the satisfaction of such judgment as the plaintiff may recover. | destroy. | |
| 05-078 Attachments on Real Property —Writs issued during court action to seize the real property of the defendant to be held as security for the satisfaction of such judgment as the plaintiff may recover. | Retain 10 years after final settlement of case, then destroy. | T.C.A. § 18-1-202(a). |
| 05-079 Executions —Writs or orders providing that an act or course of conduct be carried out. | Retain 10 years after issuance, then destroy. | T.C.A. § 18-1-202(a). |
| 05-080 Fieri Facias — Court orders to levy execution on property, sell the same, and apply the proceeds to the satisfaction of judgments in court; shows names of complainant and respondent, description of property, and amount involved; an execution. | Retain 10 years, then destroy. | T.C.A. § 18-1-202(a). |
| 05-081 Garnishments —Process whereby defendant's property in possession or control of another is applied to payment of defendant's debt. Shows names of court, plaintiff, and defendant, total costs, and reporting date. | Retain 10 years, then destroy. | T.C.A. § 18-1-202(a). |
| 05-082 Habeas Corpus, Writs of —Writs issued to change the place of trial, to move from custody of one court to another, directing that a detained person be produced, etc. | Permanent record. | This record is in the nature of original process (T.C.A. § 18-1-202(a) 0. |
| 05-083 Replevin Warrants (Writs of Possession) — Writs giving authority to recover goods or chattels claimed to be wrongfully taken or kept. | Permanent record when used as leading process (now obsolete), otherwise retain 10 years, then destroy. | T.C.A. § 18-1-202(a). |
| 05-084 Subpoenas —Copies of summonses to appear in court as witnesses in lawsuits, showing name of person summoned, day and hour to appear, in whose behalf, and signature of the clerk. | In civil cases, retain three years, then destroy. | T.C.A. § 18-1-202(b). |
| 05-085 Warrants —Writs issued in both civil and criminal cases requiring an officer of the law to arrest the person named therein and bring him before the court to answer charges of some offense which he is alleged to have committed. | Permanent record. | T.C.A. § 18-1-202(a). |
| 05-086 Writ of Possession —A writ employed to enforce a judgment to recover possession of land. | Permanent record. | Could have bearing on land title. |
| 05-088 Clerk and Master (Financial) Reports — Reports submitted to the chancellor by the clerk and master on receipts and disbursements of this office, showing date, source, and amount of receipt; also purpose, date, and amount of disbursement, and date reported. | Retain 10 years, then destroy. | Keep for audit purposes (T.C.A. § 10-7-404(a)). |
| 05-089 Delinquent Tax Collections Reports —Copies of reports made by the clerk to the cities, county, and state of tax collections in litigation, showing docket number, case number, names of complainant and respondent, amount collected, total, and date of report. | Retain 10 years, then destroy. | T.C.A. § 18-1-202(a). |
| 05-090 Litigation Tax Reports —A record of all | Retain 10 years after last | Keep for audit purposes. |

Retention Schedule for the Office of the Clerk and Master

| Description of Record | Retention Period | Legal Authority/ Rationale |
|--|---|---|
| state and county litigation taxes collected by the clerk showing number of cases and amount received. | entry, then destroy. | T.C.A. § 10-7-404(a). |
| 05-091 Revenue Dockets or Reports —Record of reports to the county judge or county mayor of state and county revenue collected by the clerk and remitted to the trustee and state, showing date and source of collection, date reported, certification of clerk, and amounts of taxes, fees, and total. Receipts from trustee and state for funds received may be posted in these volumes. | Retain 10 years after clerk's tenure is broken, then destroy. | Keep for use as evidence in case of misappropriation of funds. |
| 05-092 Sale Books or Reports —Record of court land sales, showing name of court, style of case, location and description of property, by what process land was sold, date of sale, name of purchaser, and tax collected. | Permanent record. | Could have bearing on land title. |
| 05-093 Special Commissioners Reports —Reports of special commissioners appointed when property is sold by court. | Permanent record. | Could have bearing on land title. |
| 05-094 Worker's Compensation Payment Records | Retain 10 years after judgment in case, then destroy. | T.C.A. § 18-1-202(a). |
| J. Other Records | | |
| 05-095 Adoption Files —Petitions to the court for the adoption of children, all intermediate proceedings, and final decree of the court, showing, in addition to the text, name and address of petitioner, date of petition, name of child, names of parents or custodian of child, age, date of birth, sex of child, statement of financial status and character of petitioner, and signatures of petitioners, affiants, and judge. Note: Record series contains confidential information. | Permanent record. | T.C.A. § 36-1-111. Has historical value and long term significance to the parties. |
| 05-096 Chambers Minutes and Indexes —Minute books in which are recorded decrees in matters of urgency handed down by chancellor at chambers. | Permanent record. | Has historical value. |
| 05-097 Delinquent Tax Lists —Lists of delinquent real estate taxes, showing name of taxpayer, location and description of property, assessed valuation, amount of taxes due, interest, and penalty; may be posted to delinquent tax dockets. | Destroy after posting to delinquent tax dockets. If not posted to delinquent tax dockets, retain as a permanent record. | Could affect land title. |
| 05-098 In Memoriam Books —Record of deaths of members of local bar. | Permanent record. | Keep for historical value. |
| 05-099 Insanity Proceedings, Record of —Recorded proceedings in insanity inquisitions showing name of patient, suggestion of insanity, name of trial judge, date of trial, sworn statement of examining physicians, statements of witnesses, and final disposition of the case. | Permanent record. | Has long term significance to the parties. |
| 05-100 Insurance Policies —Insurance policies on property held by deed of trust on which loans have been made, and policies naming the clerk and master beneficiary by virtue of his being receiver for the estate, showing name of company, name of agent issuing policy, date of policy, date of expiration, amount of premium, | Retain 10 years after expiration or replacement of policy, then destroy. | T.C.A. § 18-1-202(a). |

Retention Schedule for the Office of the Clerk and Master

| Description of Record | Retention Period | Legal Authority/ Rationale |
|--|---|--|
| amount of coverage, and description of property covered. | | |
| 05-101 Land Condemnation Records —Records pertaining to land condemned for road and sewer construction, commercial development, etc. | Permanent record. | Contains information that has bearing on land title. |
| 05-102 Land Records of Partitioning —Original papers relative to suits for the sale of property including orders and decrees, notices of sale of land, lists of assets and liabilities, clerk’s reports of sales, notices of publication, and depositions relative thereto. | Permanent record. | Contains information that has bearing on land title. |
| 05-103 Land Sale Newspaper Clippings —Newspaper clippings of chancery court land sales for failure to pay delinquent taxes and for judgments settling estates for minor children, showing place of sale and description of property to be sold. Clippings are pasted in volumes. | Retain 10 years after last entry, then destroy. | T.C.A. § 18-1-202(a). |
| 05-104 Names and Birth Dates Corrected, Records of —These files may contain copies of court orders for correcting names and birth dates. Orders show subject’s name, sex, race, date of birth, place of birth, and file date; also incorrect and correct information, date and signature of county judge, and acknowledgment of the clerk. Copies of State Division of Vital Statistics forms may be filed showing two affidavits of persons knowing subject and documents used in ascertaining birth. File may also contain petition from subject seeking change in name and/or birth. | Preserve file permanently if court order is not recorded; if order is recorded, retain file 10 years, then destroy. | Has long term significance to the parties. May have historical significance (T.C.A. § 18-1-202(a)). |
| 05-105 Naturalization Records —Records of proceedings in the naturalization of aliens including certificates of arrival, declarations of intention, petitions, affidavits of witness who has known the petitioner for at least five years, oaths of allegiance, and orders of the court, conferring rights and privileges of citizenship upon petitioner. | Permanent record. (These records are not usually found today in Chancery Court records.) | Important for historical purposes and for establishing citizenship. Has long term significance to the parties. |
| 05-106 Non-support Files —Trial papers incident to action showing name of defendant, date of trial, bill of costs, and warrants issued. | Retain 10 years, then destroy. | T.C.A. § 18-1-202(a). |
| 05-107 Plan and Plat Records —Drawings and blueprints of forms, subdivisions, cemeteries, city lots, and street improvements, showing name of subject, date of drawing, boundaries, scale used, location, name of engineer making survey, name of draftsman, and certificate of registration. | Permanent record. | Contains information that affects land title. |
| 05-108 Publication Books — Book used by the clerk and master to record his issuances of all orders or publications. | Retain 10 years after, then destroy. | T.C.A. § 18-1-202(a). |
| 05-109 Witness Books —Record of witnesses appearing in court cases, showing date of court term, style of case, names of witnesses for complainant, names of witnesses for respondent, number of days attended, miles traveled, amount due, and date of payment. | Retain 10 years after last entry, then destroy. | T.C.A. § 18-1-202(a). |

OBsolete RECORDS OF THE CLERK AND MASTER’S OFFICE

- 05-110 Enrollment Books**—Recorded copies of original process incident to civil cases, showing names of plaintiff and defendant, cause of action, dates of trial and disposal of case, nature and text of process filed, and date recorded; may include bills and petitions, answers and pleas, and depositions. This is an obsolete record. Keep as a permanent record. No longer generated, but still must be retained.
- 05-111 Fee Reports**—Reports of fees collected by the clerk and master showing date of report, date of collection, from whom received, purpose of payment, date of report, and signature of clerk and master. This record is now obsolete. Retain 10 years after clerk’s tenure is broken, then destroy.
- 05-112 Judgment Books**—Record of judgments rendered by the court, showing book and page numbers of rule docket in which case is recorded, number and style, names of plaintiff and defendant, judgment rendered, and amount of costs. This is an obsolete record. Permanent record. No longer generated, but must be maintained.
- 05-113 Retired Cases Dockets**—Record of cases disposed of or retired by the court, showing case number, date retired, names of complainant, respondent, and attorneys; also date of filing, rule docket and page number of recordation, dates and text of orders of the court; and volume and page number of recordation in minute book. Obsolete record no longer in use. Retain 10 years after last entry, then destroy.
- 05-114 Subpoena and Commission Dockets**—Record of subpoenas and commissions issued authorizing persons to take depositions, showing date of entry, style of case, nature of action, kind of writ, how served, and disposition of the case. Obsolete record no longer generated. Return 10 years after last entry, then destroy.

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