

sworn."

8. In Section I - Fill in the Name of the First Defendant, his Residence and Mailing Address.

9. In Section II - Fill in the **Name of the Second Defendant**, his **Residence** and **Mailing Address**.

[In both situations, the mailing address can be the same as the residential address.]

10. In Section III - Fill in the **Amount of the Money** that being held in escrow. Directly under the Amount of Money where it says "held according to the following" - explain that the money is held pursuant to a contract between the First Defendant and the Second Defendant. Also, state as follows: "a copy of the contract between the parties is hereto attached." Then, staple a copy of the sales contract to the petition.

11. In Section IV - use the language exactly as it is listed in this section of the petition.

12. In Section V - Recite the **Amount of Money** paid into the court. This should be the same amount as listed in Section III of the petition. Then, sign **Your Name as the Plaintiff** and have the form notarized. Have the notary fill in the date, sign their name and the date their commission expires.

This will complete the petition. Now complete "The Order for the Court."

THE ORDER FOR THE COURT FORM

At the same time the Interpleader Form is filed (with the contract as an addendum) an "Order For The Court" to sign must also be filed.

The blanks on this form will be completed by the General Sessions Judge.

Both Forms, the Interpleader Form" and the "Order For The Court Form" should be copied with one Form on the "front" and the other Form on the "back" of a single page.

When this is completed, the "Order For The Court" will be issued and the petition will be served on both the buyer and the seller.

If a General Sessions Court Clerk is not familiar with the Interpleader Form and procedure. Refer them to Tennessee Statute and the Rules of the Tennessee Real Estate Commission as authority to file the petition.

TREC RULE 1260-2-.34 INTERPLEADER. "Actions in the nature of Interpleader, in which the value of money which is the subject of the action does not exceed the jurisdictional limit of General Sessions Court, may be filed in General Sessions Court pursuant to T.C.A. 16-15-731."

INTERPLEADER DEFINITION: A legal proceeding whereby an innocent third party (stakeholder), such as an escrow agent or broker, can deposit with the court property or money that he or she holds and that is subject to adverse claims so that the court can distribute it to the rightful claimant. The distribution of deposit or earnest money held in escrow is often a problem when the buyer and seller are in dispute over the purchase contract. If the escrow agent cannot get the parties to agree on the disposition of the deposit money, the recourse is to file an interpleader action asking the court to accept the money and distribute it to the rightful claimant. When the broker is holding the earnest money, the broker may originate the interpleader.