



# County Technical Assistance Service

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## Other Miscellaneous Special Considerations

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Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily 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 e-Li material.

Sincerely,

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## Other Miscellaneous Special Considerations

**Reference Number:** CTAS-1197

Records and documents of proceedings in a court of record can only be destroyed after a judge has issued an order authorizing their destruction.<sup>[1]</sup> Regardless of who approves it however, the law explicitly prohibits the destruction of any original process in a civil action or criminal proceeding.<sup>[2]</sup> Records pertaining to mortgages and deeds of trust on personal property and chattel mortgages can only be destroyed after the term of the mortgage has expired and all conditions have been met and the register approves the destruction of the record.<sup>[3]</sup> Finally, no record of a county office or a court of record can be destroyed if the county official or judge who has custody of the record objects to its destruction.<sup>[4]</sup> Court case files commonly contain material that is rich in historical and genealogical significance. If the county has an archive or is considering establishing one, these records are excellent candidates to be preserved for their historical value.

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<sup>[1]</sup> T.C.A. § 18-1-202.

<sup>[2]</sup> T.C.A. § 10-7-404(c).

<sup>[3]</sup> T.C.A. § 10-7-412.

<sup>[4]</sup> T.C.A. § 10-7-404.

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