



County Technical Assistance Service

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Keep It Simple

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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Reference Number: CTAS-1301

Good faith efforts to ensure the integrity of the judicial process in matters not directly related to the sheriff's duties can become a very slippery slope. The sheriff's office may find itself dragged into a quagmire of confusion and controversy among the parties, the clerk's office, or the attorneys. The good news is the sheriff is not responsible for guaranteeing that the system work as it should. Read the process and follow the order to the sheriff contained thereon unless the order is illegal, too ambiguous to understand, or obviously erroneous. In those cases, the attorneys or clerk can be asked for clarification or a corrected order.

The sheriff "*must look alone to the mandate in his hands*. If the judgment awarding such mandate is void, that is a matter to be taken advantage of by the defendant in the execution, and it is no part of the duty of the sheriff to protect [the plaintiff]." *Perdue v. Dodd, et als.*, 69 Tenn. 710 (Tenn. 1878). *See also McCoy v. Dail*, 65 Tenn. 137 (Tenn. 1873); *State, to Use of Josiah Grigsby v. Manly et al.*, 79 Tenn. 636 (Tenn. 1883); and *Shaw v. Holmes*, 51 Tenn. 692 (Tenn. 871). In other words, the sheriff has no dog in the judicial hunt, and "cannot know, nor is it his province to inquire, what arrangements have been made between the principal and his securities."

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