



# KNOX COUNTY

## TENANT MAINTENANCE AND REPAIR GUIDE



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USEFUL FORMS

If a rental property violates minimum health standards, it may be **unfit** for habitation, and a complaint may be filed to ensure these standards are met.

Any advice to call Codes Enforcement can end in temporary or permanent displacement from your home, and your landlord will not always be responsible for paying for the cost of any maintenance, repairs and/or alternative housing in these situations, so **BE AWARE** of the risks!

**WARNING:** a landlord **CANNOT** retaliate against a tenant for making a maintenance request, **BUT** if the request requires too much work, a landlord **CAN** require you to move out due to safety concerns before or during the repairs

# WHAT DUTIES DO LANDLORDS HAVE TO MAINTAIN RENTAL PROPERTIES IN TENNESSEE?

## What does it say?

**Tennessee Code Annotated § 66-28-304 governs landlord maintenance in Tennessee.**

The statute states that the landlord must:

- Comply with building and housing codes that affect health and safety;
- Must make repairs to keep the property fit and habitable;
- Keep common areas clean and safe;
- And in complexes of four or more units, the landlord must provide for bins for trash removal.

The landlord and tenant may agree in writing for the tenant to perform some repairs and maintenance.

## Is your landlord required to provide a habitable living space?



Your Landlord **is required** to provide rental properties that are safe, clean, and free from health hazards.



However, the Tennessee Department of Health sets minimum standards for rental housing, and **some elements are not covered.** Elements that are not covered fall outside of basic equipment and facilities, light and ventilation, temperature, and sanitation issues.


## WHAT DUTIES DO LANDLORDS HAVE TO MAINTAIN RENTAL PROPERTIES IN TENNESSEE?

1. **Habitable Condition:** Landlords in Tennessee must provide rental properties that are fit for human habitation, meaning they must be safe, clean, and free from health hazards.
2. **Building Codes:** In Tennessee, landlords must comply with all applicable building codes and safety regulations.
3. **Safety Regulations:** In addition to building codes, landlords in Tennessee must comply with safety regulations that apply to rental properties.

Looking for a resource to talk to?  Look to Page 15 & 16 for resources to help legally and financially!

## THINGS LANDLORDS CANNOT DO

- Abuse their right to access the property
- Fail to supply or shut off essential services, such as water, electric, or gas
- Unlawfully remove a tenant by changing locks or diminishing/shutting off essential services such as utilities
- Retaliate by increasing rent, decreasing/shutting off essential services such as utilities, or evicting tenant (except where repairs are extensive and require tenant to vacate, or tenant is on a week-to-week or month-to-month lease)
- Limit their liability (or legal responsibility) through the rental agreement



## WHAT DUTIES DO TENANTS HAVE TO MAINTAIN RENTAL PROPERTIES IN TENNESSEE?

Tenants also have responsibilities when it comes to maintaining property you are renting

These responsibilities are found in **Tennessee Code Annotated § 66-28-401**, tenants must:

- Keep your property clean and safe
- Dispose of ashes, garbage, and all other waste into appropriate collection areas
- Not deliberately or negligently destroy or damage the property
- Not disturb your neighbor's "peaceful enjoyment" of the property

### CONSENT TO ENTER PROPERTY

Generally, landlords cannot enter a rental property without consent from the current tenant

#### HOWEVER

- Tenants **cannot withhold consent** from the landlord to access the property
- Landlords can enter the property without consent in an **emergency situation** (an emergency can mean a suspected water leak, electrical issue, fire, etc.)

# Filing the Complaint

## How Can a Judge or Codes Enforcement Help You?

If your landlord is failing to make an **EFFORT** to make repairs or to carry out maintenance responsibilities, filing a lawsuit or calling Codes Enforcement is a useful way to create a record of your complaints and hold your landlord accountable. This is a helpful tool to document your repair issues, create a paper trail of communication, and make your landlord take your complaints more seriously.

### HOW TO PREPARE FOR FILING A COMPLAINT:



### ORGANIZE + COLLECT



### NOTIFY YOUR LANDLORD

You should communicate issues with your landlord **BEFORE** filing a lawsuit or contacting Codes.

Report issues **IMMEDIATELY** to prevent any further damage (which your landlord may hold you responsible for financially).

Don't assume that because you talk to the maintenance staff, you're all good. All requests need to be in writing!



### FIX WHAT IS REQUIRED

Maintenance is often worked into the **rental agreement**, so be sure to review this agreement to see what you must maintain.

You are responsible for any damage, by anyone, even if you are not present when damage occurs (If you invited them to your property - even if it's the parking lot and not inside your unit).

Organize & collect all records and documents related to maintenance requests, rental agreement, and property.

### WHAT SPECIFIC DOCUMENTS SHOULD YOU COLLECT?

- Maintenance Requests and Proof of Maintenance Issues
- Lease Agreement
- Proof of Any Payments and Receipts
- Any Records of Neglect or Relevant Correspondence from the Landlord
- Any Records of Maintenance Issues during the move-in inspection
- If you no longer live at the property, also collect any records of Maintenance Issues from the move-out inspection

\*You should request a move-in and move-out inspection with your landlord! (take photos, write things down, and don't sign a form you aren't satisfied with)

# WHEN ARE MAINTENANCE COMPLAINTS EFFECTIVE?

If you have a concern with your rental property and your landlord is not taking action, a maintenance complaint can be an effective next step.

- Certain issues see more success through the court system and Codes Enforcement, such as: needed repair of the **heat, gas, lights, water, sewage, plumbing or air conditioning**
- HOWEVER, a tenant will not be charged for an inspection by Codes Enforcement, so, if you are concerned about the safety or cleanliness of your property, make a complaint!
- If a tenant needs to file a legal complaint, you will spend an average of \$150-200 to file OR you can ask for an affidavit of indigency if you cannot afford to pay a filing fee. Then, the court will charge the LOSING party in the court case with the filing fee at the end of the case. You can find the paperwork on pages 19-20 of this guide!
- If a tenant wants to sue, you need to ask for a CIVIL WARRANT at 300 Main Street, Knoxville, TN 37902, in the Clerk's Office in Room 318 (Old Courthouse, top floor, right next to the top of the stairs!). There is more info at the Knox County General Sessions Civil Court Clerk's Office (865-215-2518).





# WHEN SHOULD I MAKE A MAINTENANCE REQUEST TO MY LANDLORD?



## IDENTIFY THE PROBLEM



Safe and functioning plumbing, electrical, heating, and cooling systems; properly functioning doors, windows, and locks; and adequate ventilation are just some of the possible issues that make a property in need of maintenance. If you try to fix a problem the landlord is responsible for without notifying the landlord first, you CAN be in violation of your lease, and possibly even face eviction.



## FIXING THE PROBLEM



Communicate maintenance requests with your landlord immediately, in writing, via email, or via online portal, as outlined in the lease and just to be safe. If these remain unresolved, file your complaint with the Knox County or City of Knoxville Codes Department, and forward a certified copy (which can be obtained through the Court Clerk at the City County building) to your landlord. Keep a copy/take a photo of the written notification and portal request!



## DOCUMENT EVERYTHING

Keep as detailed records as possible of every issue, notification to landlord, and repairs. Having evidence to support accounts of timelines for unfit conditions can be very helpful.



## ALWAYS PAY YOUR RENT

It is important to continue paying rent, even when your property may need maintenance or repairs, or even when it may be unfit for habitation. However, there are some **very limited** circumstances for withholding rent (more on page 10).



# WHAT TO EXPECT AFTER FILING A COMPLAINT

## What's next?

Maintenance complaints are generally evaluated on a case-by-case basis.

According to Neighborhood Codes Enforcement, someone from the department will typically inspect and coordinate with the rental management office within 2 business days of the complaint. Landlords are typically given 120 days to make repairs or the home may be deemed permanently unfit for tenancy and can be condemned and/or demolished.

### Any Exceptions?

Exceptions to this timeline are made for severe violations, like backed up sewage or lack of heating in the winter.

Unfortunately, these inspections do not cover all potential maintenance issues. For example, Neighborhood Codes Enforcement does not inspect issues of mold.

#### **MOLD:**

However, local building codes may help to address the problems that contribute to mold growth. If Codes Enforcement can provide assistance for problems such as unaddressed leaking pipes, roof leaks, sagging ceilings, sunken floors, poor drainage around a building, you can accomplish the first step toward addressing your mold problem.

# Rent and Circumstances for Withholding Rent

## Two Different Remedies

T.C.A. Sections 66-28-501 and 66-28-502 explain tenants' options if their landlord does not make any reasonable efforts to make repairs after written notification from a tenant that they need maintenance or repair(s) done. A tenant can only choose to pursue their rights under 501 or 502, not both. 501 refers to ALL repairs needed, 502 only refers to "essential services" (see below).

### T.C.A. 66-28-501

Tenants must give a 14-day written notice to landlord before pursuing under 501. If the landlord makes no efforts to make repairs, after 14 days, the tenant can choose to (1) remain living on the property while paying rent in-full and on-time, and sue landlord in General Sessions Court to recover for damages and attorney's fees and/or obtain injunctive relief to order the repairs to be done, OR (2) terminate their lease for landlord noncompliance, and be entitled to the return of all rent paid for future months and full security deposit.

### T.C.A. 66-28-502

The tenant must give written notice to landlord before pursuing under 502. If the landlord makes no efforts to make repairs within a reasonable time (depending on the repair), the tenant can choose to:

- (1) pay for essential services during the time that the landlord will not repair/provide them and deduct from the next month's rent with written notice to landlord of deductions and receipts of tenant repair/payment, OR
- (2) remain living on the property while paying rent in-full and on-time, and sue landlord in General Sessions Court to recover damages for the diminished value of the residence without the repairs made, OR
- (3) find reasonable substitute housing until the repair is completed by landlord, and be excused from paying rent while substitute housing is necessary, plus sue landlord in General Sessions Court to recover the cost of the substitute housing.

## How should I proceed?

It is best practice to call a lawyer if you find yourself with no choice but to take legal action under 501 or 502!

**“Essential Services” means utility services, including gas, heat, electricity, and any other obligations imposed upon the landlord which materially affect the health and safety of the tenant.**

# COMPLAINTS THROUGH HUD

HUD, the **US Department of Housing and Urban Development**, is a Federal department that provides affordable housing by paying for a portion of tenants' rent so the tenant only pays a set percentage of their income in rent each month.

## When can you make a complaint through HUD?

HUD can help with maintenance complaints if you live in housing subsidized by the Federal Government. This includes, but is not limited to, when you use a Section 8 Housing Choice Voucher or Section 8 Project-Based Voucher, when you live in income-based housing, when your property gets a Low-Income Housing Tax Credit, and more. Essentially, if your housing is based on your income and changes as your income does, then HUD likely funds it, and you can make a maintenance complaint to HUD. \*If you have a private landlord and none of that applies, you **CANNOT** complain to HUD.

## What are the basic inspections performed on properties receiving HUD funding?

HUD conducts periodic physical inspections, known as REAC physical inspections, based on set standards to make sure your housing is decent, safe, and sanitary. During an inspection, HUD inspectors check to make sure your property manager or landlord is following these set standards.

- For public housing, multifamily housing, HUD-assisted nursing homes and assisted living facilities, these inspections occur every **1-3 years**.
- For housing choice vouchers, these inspections occur **before you move in** and every **1-2 years** afterwards.

# COMPLAINTS THROUGH HUD

## What if I have concerns outside of HUD's REAC inspections?

You can report an issue at any time!

Visit

[https://www.hud.gov/topics/REAC\\_Inspections/residents#bb](https://www.hud.gov/topics/REAC_Inspections/residents#bb)  
for more information

## How to report an issue with HUD?

1. Report issue to your landlord or property manager
2. If, after reporting to your landlord or property manager, the issue still isn't addressed, contact your property's HUD program administrator depending on your housing type
3. If the issue still hasn't been resolved, contact your local HUD office



Knoxville HUD Office: (865) 545-4370

# TIPS TO REMEMBER

## About Property Damages:

**You are responsible for what anyone does to your property.** This applies even if you aren't home when the damage takes place.

**Damage charges** only (not rent) are almost never sufficient grounds terminate under most HUD-subsidized rental agreements.

Tenants will be charged with appropriate damages or could be evicted if their **service animals** or **emotional support animals** damage the property, even though they are technically accommodations for a disability.

Tenants **cannot** be evicted for any damages caused in an incident in which they are the victim of **domestic violence**. If you believe your landlord is charging you with damages directly related to you being a victim of domestic violence, you can file a discrimination complaint with the Tennessee Human Rights Commission (THRC) ((800) 251-3589; <https://www.tn.gov/humanrights/file-a-discrimination-complaint.html>) or the US Department of Housing and Urban Development (HUD) (1-800-669-9777; <https://www.hud.gov/fairhousing/fileacomplaint>).

## IMPORTANT NOTES:

After making a request, if you haven't heard from your landlord in some time or things are getting worse, make another request IN WRITING.



Some issues have a lot of success, but don't assume that repairs will always go smoothly. Start early and be sure to document everything (with dates if possible).

# TIPS TO REMEMBER

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## About Move-In/Move-Out:

**Always take photos at move-in.** Do not sign paperwork that states everything is in “good condition” unless it is. This is important to maintain future credibility with the court.

Protect your rights at move-out by requesting a **mutual inspection**. A mutual inspection is a report made to indicate a shared agreement of the property’s condition.

**Always take photos at move-out.** Take photos of everything. Do not sign mutual inspection paperwork if you disagree with any of the claims made by the landlord.

## About Legal Aid:

To receive assistance from Legal Aid of East Tennessee, complete the intake by calling 865-637-0484 or visiting [www.laet.org](http://www.laet.org) and click “Get Legal Help Now.”



**(865) 637-0484**



# CONTACTS & RESOURCES

## Making Complaints & Legal Assistance

### Legal Aid of East Tennessee

- 4450 Walker Blvd., Suite C, Knoxville, TN 37917
- (865) 637-0484
- <https://www.laet.org/contact-us/>

### Knox County Codes

#### Administration

- 400 Main Street, Suite 547, Knoxville, TN 37902
- (865) 215-2325
- [https://www.knoxcounty.org/email/index.php?email\\_name=code.admin&department=Codes%20Administration](https://www.knoxcounty.org/email/index.php?email_name=code.admin&department=Codes%20Administration)

### City of Knoxville Codes

#### Administration

- 400 Main Street, Room 520, Knoxville, TN 37902
- (865) 215-2060
- [https://www.knoxvilletn.gov/government/city\\_departments\\_offices/public\\_service/neighborhood\\_codes\\_enforcement](https://www.knoxvilletn.gov/government/city_departments_offices/public_service/neighborhood_codes_enforcement)

### HUD- Knoxville Program Center

- John J. Duncan Federal Building 710 Locust Street, Third Floor Knoxville, TN 37902-2526
- (865) 545-4370

## Tenants for Subsidized Housing

### Statewide Organizing for Community eMpowerment (SOCM):

Organize with Your Neighbors for Better Housing Policy -- Statewide Organizing for Community eMpowerment (SOCM) is an organization of Tennessee residents who believe that positive change happens when everyday people join together to tackle the critical issues that impact their lives. In Knoxville, SOCM members have worked together to encourage fair lending and advocate for protections for families facing eviction. We want you to join us! Contact (865) 249-7488 or [info@socm.org](mailto:info@socm.org) to get plugged in.



# CONTACTS & RESOURCES

## Legal & Court Assistance

### Knoxville Legal Ministry

- 9919 Kingston Pike, Knoxville, TN 37922
- (855) 818-4554
- <https://www.laet.org/contact-us/>

### Help4TN

- Free legal information, print and video resources, and social services information, including a "chat bot" to answer your legal questions
- <https://www.help4tn.org/>

### Knox County Bar Association

- Lawyer referral service: find a private attorney (may cost money) to take your case
- (865) 522-7501
- <https://www.knoxbar.org/?pg=hiring-a-lawyer>

### HUD- US Department for Housing and Urban Development

- 1-800-669-9777
- <https://www.hud.gov/fairhousing/fileacomplaint>

## Resources for Discrimination

### THRC- Tennessee Human Rights Commission

- (800) 215-3589
- <https://www.tn.gov/humanrights/file-a-discrimination-complaint.html>

**TENANT'S REQUEST TO LANDLORD FOR REPAIRS**  
**PETICIÓN DE INQUILINO AL PROPIETARIO PARA REPARACIONES**

To/Para: \_\_\_\_\_  
 (Landlord/manager's name / Nombre del propietario/mánager)

Date/Fecha: \_\_\_\_\_

**We are making our written request for you to make the following repairs. Please make the repairs within 14 days as provided under the law.**

***Estamos entregando nuestra petición escrita que usted haga las reparaciones siguientes. Por favor haga las reparaciones dentro de 14 días como estipula la ley.***

✓	Problem / Problema	When it started / Cuando Empezó	Description / Descripción
	<b>Infestations / Infestaciones</b>		
	Mice / Ratones		
	Cockroaches / Cucarachas		
	Other / Otro		
	<b>Electrical / Eléctrico</b>		
	No/Broken smoke detector / <i>Falta detector de humo o no funciona</i>		
	Exposed wiring / Cables expuestos		
	Short circuits / Cortocircuitos		
	No cover plates on outlets / <i>No hay placas de cubierta en los enchufes</i>		
	Other / Otro		
	<b>Plumbing / Plomería</b>		
	No hot water / No agua caliente		
	Clogged pipes/toilet / Tubería/inodoro tapado		
	Bad water pressure / Mala presión de agua		
	Dripping faucets / Llave del agua goteando		
	Leaks / Goteras		
	Other / Otro		
	<b>Windows / Ventanas</b>		
	Missing/torn screens / <i>Faltan telas metálicas o están rasgadas</i>		
	Missing/broken storm windows / <i>Faltan contraventanas o están quebradas</i>		
	Broken/cracked glass / Vidrio quebrado/agrietado		
	Missing/broken locks / Faltan seguros o están quebradas		
	Leaking windows / Ventanas con fugas		
	Can't open windows / Ventanas no se abren		
	Other / Otro		
	<b>Walls/Ceilings/Floors / Muros/Cielos Rasos/Pisos</b>		
	Chipped/flaking paint / Pintura desconchada/descascarado		
	Holes or cracks in walls / Agujeros o rajaduras en la pared		
	Leaky roof or ceiling / Techo o cielo raso con fugas		
	Holes in carpet / Agujeros en la alfombra		
	Missing/broken tiles or linoleum / <i>Faltan azulejos o linóleo, o está(n) quebrado(s)</i>		
	Other / Otro		

✓	Problem / Problema	When it started / Cuando Empezó	Description / Descripción
	<b>Doors / Puertas</b>		
	No deadbolt locks / Ninguna cerradura de seguridad		
	Broken locks / Cerraduras quebradas		
	Missing/broken doorknobs / Faltan chapas/perillas en las puertas o están quebradas		
	Other / Otro		
	<b>Furnace / Caldera</b>		
	Not enough heat / Calefacción no funciona bien		
	Gas leaks / Fugas de gas		
	Appliances / Electrodoméstico		
	Broken stove or oven / Falta estufa u horno, o está quebrado		
	Broken refrigerator / Refrigerador quebrado		
	Other / Otro		
	<b>Security/Privacy / Seguridad/Privacidad</b>		
	Illegal entries by landlord / Entradas ilegales por propietario		
	Disturbance by other tenants/ Perturbación por otros inquilinos		
	Break-ins/vandalism / Robos/vandalismo		
	Other / Otro		
	<b>Other Areas / Otras Áreas</b>		
	Trash from previous tenant / Basura de inquilino anterior		
	Problem with garage / Problema con garaje		
	Leaky basement / Sótano con fugas		
	Pay utility bills / Pagar facturas de servicios		
	High grass and weeds / Malas hierbas altas		
	Other / Otro		

Tenant/Inquilino: \_\_\_\_\_  
 (Signature / Firma)  
 \_\_\_\_\_  
 (Print name / Nombre escrito)  
 \_\_\_\_\_  
 (Address / Dirección)

Tenant/Inquilino: \_\_\_\_\_  
 (Signature / Firma)  
 \_\_\_\_\_  
 (Print name / Nombre escrito)  
 \_\_\_\_\_  
 (Address / Dirección)

Under the Tennessee Residential Landlord & Tenant Act, as codified in TCA § 66-28-304 the landlord shall:

- (1) Comply with requirements of applicable building and housing codes materially affecting health and safety;
- (2) Make all repairs and do whatever is necessary to put and keep the premises in a fit and habitable condition;
- (3) Keep all common areas of the premises in a clean and safe condition; and
- (4) In multi-unit complexes of four (4) or more units, provide and maintain appropriate receptacles and conveniences for the removal of ashes, garbage, rubbish, and other waste from common points of collection subject to § 66-28-401(3).

**Please note, if the unit remains in noncompliance with the rental agreement or landlord-tenant law, this is my notice that I may attempt to recover damages, obtain injunctive relief and recover reasonable attorney's fees.**

Ante el Acto Residencial de Propietario & Inquilino de Tennessee, como codificado en TCA § 66-28-304 el propietario debe:

- (1) Cumplir con los requisitos de los códigos de construcción y de vivienda aplicables que afectan materialmente la salud y la seguridad;
- (2) Hacer todas las reparaciones y lo que sea necesario para poner y mantener el sitio en una condición digna y habitable;
- (3) Mantener todas las áreas comunes del sitio en una condición limpia y segura; y
- (4) En complejos multi-modulares de cuatro (4) módulos o más, proveer y mantener receptáculos y convenientes adecuados para la extracción de cenizas, basura, desperdicios y otros desechos de los puntos de recogida comunes sujetos a § 66-28-401(3).

**Tenga en cuenta que si la residencia permanece en incumplimiento con el acuerdo de alquiler o con la ley propietario-inquilino, este es mi aviso que yo puedo intentar recuperar daños y perjuicios, obtener desagravio por mandato judicial y recuperar honorarios de abogado razonables.**

_____ Court _____ County _____ Tennessee	<h1 style="margin: 0;">UNIFORM CIVIL</h1> <h1 style="margin: 0;">AFFIDAVIT OF INDIGENCY</h1> <p style="margin: 0;">page 1 of 2</p>	Case Number _____
_____ vs. _____		

I, \_\_\_\_\_, having been duly sworn according to law, make oath that because of my poverty, I am unable to bear the expenses of this case and that I am justly entitled to the relief sought to the best of my belief. The following facts support my poverty.

1. Full Name: \_\_\_\_\_ 2. Address: \_\_\_\_\_  
 3. Telephone Number: \_\_\_\_\_ 4. Date of Birth: \_\_\_\_\_

5. Names and Ages of All Dependents:

_____	Relationship: _____
_____	Relationship: _____
_____	Relationship: _____
_____	Relationship: _____

6. I am employed by: \_\_\_\_\_  
 My employer's address is: \_\_\_\_\_  
 My employer's phone number is: \_\_\_\_\_

7. My Present income, after federal income and social security taxes, are deducted, is: \$ \_\_\_\_\_

8. I receive or expect to receive money from the following sources:

AFDC	\$ _____	per month	beginning _____
SSI	\$ _____	per month	beginning _____
Retirement	\$ _____	per month	beginning _____
Disability	\$ _____	per month	beginning _____
Unemployment	\$ _____	per month	beginning _____
Worker's Compensation	\$ _____	per month	beginning _____
Other	\$ _____	per month	beginning _____

9. My expenses are:

Rent/House Payment	\$ _____	per month	Medical/Dental	\$ _____	per month
Groceries	\$ _____	per month	Telephone	\$ _____	per month
Electricity	\$ _____	per month	School Supplies	\$ _____	per month
Water	\$ _____	per month	Clothing	\$ _____	per month
Gas	\$ _____	per month	Child Care or	\$ _____	per month
Transportation	\$ _____	per month	Court Ordered Child Support		
			Other	\$ _____	per month

10. Assets:

Automobile	\$ _____	(FMV)	_____
Checking/Savings Account	\$ _____		_____
House	\$ _____	(FMV)	_____
Other	\$ _____		_____

11. My debts are:

Amount Owed	To Whom
_____	_____
_____	_____
_____	_____

I hereby declare under the penalty of perjury that the foregoing answers are true, correct, and complete and that I am financially unable to pay the costs of this action.

\_\_\_\_\_  
 PLAINTIFF

ORDER ALLOWING FILING ON PAUPER'S OATH

It appears based upon the Affidavit of Indigency filed in this cause and after due inquiry made that the Plaintiff is an indigent person and is qualified to file case upon a pauper's oath.



<div><div>_____ Court</div><div>_____ County</div><div>_____ Tennessee</div></div>	<div>UNIFORM CIVIL</div> <div>AFFIDAVIT OF INDIGENCY</div> <div>page 2 of 2</div>	<div>Case Number</div>
<div>_____ vs. _____</div>		

It is so ordered this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
JUDGE

DETERMINATION OF NONINDIGENCY

It appearing based upon the Affidavit of Indigency filed in this cause and after due inquiry made that the Plaintiff is not an indigent person because \_\_\_\_\_.

IT IS ORDERED AND AJUDGED that the Plaintiff does not qualify for filing this case on a pauper's oath.  
This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
JUDGE

NOTICE: If the judge determines that based upon your affidavit you are not eligible to proceed under a pauper's oath, you have the right to a hearing before the judge or, in those cases that can be appealed to Circuit Court, a hearing before the Circuit Court judge.