

SWORN ACCOUNTS AND OTHER DEBTS

An account may involve a credit card debt or virtually any other type of debt.

Legal proceedings typically involve “sworn accounts” where the creditor uses an affidavit to prove the debt and not testimony in person.

Suits based on sworn accounts are governed by Tenn. Code Ann. § 24-5-107. See also Tenn. Code Ann. § 24-5-104.

The only effective response to a sworn account is a sworn denial, that is, a written denial executed under oath and filed with the court. Any other response (an unsworn answer, even an appearance by the defendant without a written answer) must be ignored by the court and will result in automatic judgment for the plaintiff.

Once a sworn response has been filed, or if no affidavit is filed by the creditor, the burden is upon the creditor to prove the debt, usually by testimony in person.