STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
District Court Division

Name Of Plaintiff	MOTION TO ☐ RENEW ☐ MODIFY ☐ SET ASIDE DOMESTIC VIOLENCE PROTECTIVE ORDER NOTICE OF HEARING ☐ AND EX PARTE APPLICATION FOR TEMPORARY RENEWAL
VERSUS	
Name And Address Of Defendant	G.S. 50B-3(b), (b2)

NOTE TO PLAINTIFF: ***A temporary custody order entered as part of a domestic violence protective order cannot be renewed or modified to extend an award of custody beyond the maximum one-year period. Therefore, if your original order granted custody for a one-year period, a renewed order cannot award an order of custody.***

Date Previous Order Entered	Date Of Expiration Of Previous Order

MOTION

A Domestic Violence Protective Order, a copy of which is attached, was entered by a district court judge in this county on the date listed above and has an expiration date as listed above. *(Attach a copy of the order.)*

☐ 1. I move that the Domestic Violence Protective Order previously entered on the date listed above and not yet expired be renewed for an additional two years and request the Court to set a hearing date to determine whether the order will be renewed. *(State facts that cause you to want to renew the order, including new violations of the order, if any, and give any other reasons you believe the order should be renewed. After completing this section, check the box in the Ex Parte Application For Temporary Renewal section below to apply for a temporary extension of the Domestic Violence Protective Order in advance of the hearing on your request to renew.)*

☐ 2. I move that the Domestic Violence Protective Order previously entered on the date listed above be modified as follows: *(State the modifications that you want the court to consider.)*

☐ 3. I move that the Domestic Violence Protective Order previously entered on the date listed above be set aside because it is no longer equitable that the order have future application or for other good cause pursuant to G.S. 1A-1, Rule 60(b)(5) or (6), and I request the Court to set a hearing date to determine whether the order will be set aside ☐ and if it is set aside, whether a new protective order will be entered. *(State reasons for setting aside protective order.)*

EX PARTE APPLICATION FOR TEMPORARY RENEWAL *(if applicable)*

☐ I move the Court to temporarily renew the current domestic violence order, ex parte, if the hearing for the motion to renew will be set on a date after which the current order will have expired.

SIGNATURE

Date	Signature Of Plaintiff/Defendant

NOTICE OF HEARING

NOTICE TO THE PARTIES: You are hereby notified that this Motion To ☐ Renew ☐ Modify ☐ Set Aside the Domestic Violence Protective Order will be heard on the date, time, and at the location set out below. You should appear at that time to show if and why the relief requested in this Motion should not be allowed.

Date Of Hearing	Time Of Hearing	☐ AM ☐ PM	Location Of Hearing

CERTIFICATE OF SERVICE

I certify that on the date of mailing shown below a copy of this Motion and Notice was served on the defendant/plaintiff at the address listed above by depositing a copy in a post-paid, properly addressed envelope in a post office or official depository under the exclusive care and custody of the United States Postal Service.

Date Of Mailing	Date Of Certification	Signature Of Plaintiff/Defendant

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(See INSTRUCTIONS on Reverse)
Original - File Copy - Defendant Copy - Plaintiff

INSTRUCTIONS TO PARTY FILING MOTION

1. You must file this Motion with the Clerk of Superior Court in the county in which the previous order was issued. *(If you wish to file in another county, see 7. below.)*
2. Provide to the clerk a stamped envelope addressed to the other party.
3. Ask the Clerk to give you the date, time and location for the hearing before a district court judge and fill in that information on the form.
4. Complete an original and two copies of this Motion.
5. You must mail the completed form to the other party at least eight (8) days before the date set for the hearing.
6. Fill out the certification of service on the form; put one copy of the Motion and Notice in the envelope and mail it to the other party; give the original to the Clerk; and keep the second copy for your records.
7. If you wish to file this Motion in a county different from the one where the previous order was issued, you must first file a motion in the original county to have the case transferred to the new county in which you wish to have the order renewed, modified, or set aside. The motion to transfer must include the name of the case, case file number, a request to have the case transferred to the specified new county, the reason why you wish to have the case transferred and a request that the Clerk set the motion before the next available district court judge.

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