

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
District Court Division

Name Of Plaintiff (Person Filing Complaint)

**ORDER UPON MOTION TO RETURN WEAPONS
SURRENDERED UNDER
DOMESTIC VIOLENCE PROTECTIVE ORDER**

G.S. 50B-3.1 (f), (g)

VERSUS

Name Of Defendant

FINDINGS

A hearing was held before the district court judge named below pursuant to a motion to return weapons surrendered pursuant to a domestic violence protective order.

The Court finds

- 1. A copy of the Motion and Notice Of Hearing was served on the plaintiff and the plaintiff was was not present.
- 2. The defendant third-party owner filed a motion to return weapons surrendered pursuant to a domestic violence protective order entered on (date) _____.
- 3. The domestic violence protective order under which the defendant surrendered weapons expired on (date) _____ and has not been renewed.
- 4. A motion to renew is is not pending.
- 5. The defendant is not currently subject to any domestic violence protective order.
- 6. a. The defendant is disqualified from owning or possessing a firearm pursuant to 18 U.S.C. § 922 or any state law in that (state facts indicating why disqualified under federal or state law, e.g., convicted of a misdemeanor domestic violence crime or possession of a weapon of mass destruction, etc.)
 - b. There was no evidence presented that the defendant is disqualified from owning or possessing a firearm pursuant to 18 U.S.C. § 922 or any state law.
- 7. a. The defendant has pending criminal charges in state or federal court alleged to have been committed against the person protected by the current protective order in that (state charges and person who is alleged victim)
 - b. There was no evidence presented that the defendant has pending criminal charges in state or federal court committed against the person protected by the current protective order.
- 8. The third-party filing the motion is the owner of the weapons described below (describe surrendered weapons owned by third-party claimant)
 - 9. a. The third-party claimant is disqualified from owning or possessing a firearm pursuant to 18 U.S.C. § 922 or any state law in that (state facts indicating why disqualified under federal or state law, e.g., convicted of a misdemeanor domestic violence crime or possession of a weapon of mass destruction, etc.)
 - b. There was no evidence presented that the third-party claimant is disqualified from owning or possessing a firearm pursuant to 18 U.S.C. § 922 or any state law.
- 10. The weapon is a firearm, and it does not have a legible, unique identification number.
- 11. The weapon is a firearm, and it is unsafe for use because of wear, damage, age or modification.

(Over)

12. Other:

CONCLUSIONS

Based on these facts, the Court makes the following conclusions of law:

- 1. The defendant is is not entitled to the return of all firearms, ammunition, and gun permits surrendered to the sheriff pursuant to the domestic violence protective order entered in this case.
- 2. The return of firearms is denied solely because the defendant has pending criminal charges alleged to have been committed against the person who is protected by the domestic violence protective order.
- 3. The third-party owner is entitled to the return of all firearms, ammunition, and gun permits listed in Finding 8 of this Order.
- 4. The third-party claimant is not entitled to the return of firearms, ammunition, and gun permits surrendered by the defendant.
- 5. Other:

ORDER

It is ORDERED that:

- 1. The sheriff return to the defendant the firearms, ammunition, and gun permits surrendered under the domestic violence protective order issued in this case upon payment of all fees owed for storage of the firearms and ammunition.
- 2. The sheriff return to the third-party owner the firearms, ammunition, and gun permits listed in Finding 8 of this Order upon the payment of all fees owed for storage of the firearms and ammunition.
- 3. The motion is denied.
- 4. **(NOTE: The Court cannot order that a firearm be destroyed unless the Court finds either Finding 10 or Finding 11 in this Order.)**
(Check only when motion is by third-party and the court finds property is owned by third-party but return is prohibited because third-party is prohibited by federal or state law from owning or possessing a firearm.) The sheriff is ordered to dispose of the weapons listed in Finding 8 of this Order by
 - a. destroying all of the items the items listed below and is ordered to maintain a record of destruction.
(List specific items to be destroyed only if all of the items listed in Finding 8 are not to be destroyed.)
 - b. keeping the firearms listed below for its official use and maintaining a record of receipt.
 - c. turning the firearms listed over to *(name of local law enforcement agency)* _____
 the State Bureau of Investigation. the North Carolina Justice Academy.

The agency receiving the firearms must maintain a record of receipt.

(Describe firearms to be turned over to law enforcement agency)

Date	Name Of Judge (Type Or Print)	Signature Of Judge
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