

STATE OF NORTH CAROLINA

File No. _____

CountyIn The General Court Of Justice
District Court Division

Name Of Plaintiff

VERSUS

Name Of Defendant

**MOTION AND NOTICE OF HEARING
FOR DISPOSAL OF WEAPONS
SURRENDERED UNDER
DOMESTIC VIOLENCE PROTECTIVE ORDER**

G.S. 50B-3.1(h)

Name Of Third-Party Owner (if applicable)

Name Of Other Person With An Ownership Or Possessory Interest (if applicable)

MOTION

1. As required by the Court in the domestic violence protective order entered on (date) _____, the following property was surrendered on (date) _____. (describe firearms, ammunition, and gun permits surrendered)
2. The domestic violence protective order expired on (date) _____ and has not been renewed.
- ☐ 3. More than 90 days have elapsed since the order expired and the defendant has not filed a motion for return of the property, the defendant has not retrieved the property from the sheriff, no third-party owner has filed a motion for return of the property, and the undersigned is not aware of any pending charges, either state or federal, against the defendant, alleged to have been committed against the person who is protected by the domestic violence protective order.
- ☐ 4. More than 90 days have elapsed since the final disposition of criminal charges against the defendant committed against the person who is protected by the domestic violence protective order, and the defendant has not filed a motion for return of the property, the defendant has not retrieved the property from the sheriff, and no third-party owner has filed a motion for return of the property.
- ☐ 5. More than 30 days have elapsed since an order granting the return of the property to the
☐ defendant ☐ third-party owner was entered on (date) _____ and the
☐ defendant ☐ third-party owner has not paid the storage fees for the property.
- ☐ 6. More than 30 days have elapsed since the defendant on (date) _____ requested to retrieve from the sheriff without a court order the property and the defendant has not paid the storage fees for the property.
- ☐ 7. An order was entered by the Court on (date) _____, concluding that the defendant is prohibited from regaining possession of the surrendered property, which order did not conclude that the return of the property was 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.
- ☐ 8. An order was entered by the Court on (date) _____, concluding that the third-party owner is the owner of the surrendered property and that the third-party owner is prohibited from regaining possession of the surrendered property.

I request the Court to enter an order authorizing me to dispose of the firearms, ammunition, and gun permits as provided by G.S. 14-269.1.

NOTICE OF HEARING**TO THE DEFENDANT** ☐ **THIRD-PARTY OWNER** ☐ **OTHER PERSON WITH AN OWNERSHIP OR POSSESSORY INTEREST**

Pursuant to the above motion, a hearing will be held before a district court judge at the date, time and location listed below to determine whether the firearms, ammunition, and gun permits surrendered under the domestic violence protective order may be destroyed or turned over to a law enforcement agency.

Date Of Hearing

Time Of Hearing

☐ AM ☐ PM

Location Of Hearing

Date

Name Of Sheriff

Signature Of Person Filing Motion

NOTE TO SHERIFF: Before filing this motion, ask the clerk to give you a date, time and location for the hearing. Fill that information in on the Notice of Hearing portion of the form and mail a copy by first class mail to the defendant, any third-party owner, and any other person with an ownership or possessory interest in the property. Fill out the certification on Side Two and then file the original Motion with the clerk of court.

(Over)

CERTIFICATION OF MAILING BY SHERIFF

I certify that on the date of mailing shown below a copy of this Motion and Notice of Hearing was served on the defendant ☐ and the third-party owner ☐ and the other person with an ownership or possessory interest at the address(es) shown below by depositing a copy in a postpaid properly addressed envelope in a post office or official depository under the exclusive care and custody of the United States Postal Service on the date shown below.

<i>Address Of Defendant</i>	<i>Date Of Mailing</i>	<i>Date Of Certification</i>
	<i>Signature Of Sheriff</i>	
<i>Address Of Third-Party Owner (if applicable)</i>	<i>Address Of Other Person With An Ownership Or Possessory Interest (if applicable)</i>	