

**STATE OF NORTH CAROLINA**

File No.

\_\_\_\_\_ County

In The General Court Of Justice  
District Court Division

Name And Address Of Petitioner

**MOTION AND NOTICE OF HEARING TO  
SET ASIDE ORDER OF PATERNITY/  
AFFIDAVIT OF PARENTAGE**

**VERSUS**

Name And Address Of Respondent

G.S. 49-14(h); 110-132(a1), (a2)

I, the undersigned, request that the court set aside the  Order of Paternity  Affidavit of Parentage signed on  
(date) \_\_\_\_\_ and filed in the \_\_\_\_\_ County District Court on (date) \_\_\_\_\_.  
A copy of the  Order of Paternity  Affidavit of Parentage is attached.

The  Order of Paternity  Affidavit of Parentage was entered as the result of  fraud  duress  mutual mistake  
 excusable neglect (explain the fraud, duress, mutual mistake, or excusable neglect) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Petitioner has reason to believe that genetic tests will establish that the petitioner is not the biological father of the child(ren) named  
below. (list the name(s) and birth date(s) of the child(ren)) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Petitioner  is  is not ordered to pay child support for the child(ren) named in the  Order of Paternity  
 Affidavit of Parentage referenced above.

Date

Name Of Petitioner (type or print)

Signature Of Petitioner

See Reverse For Instructions

## NOTICE OF HEARING

**NOTICE TO:** *(Name of party(ies) to be served)* \_\_\_\_\_

You are notified to appear at the date, time and location shown below to answer the above Motion and Notice of Hearing to Set Aside Order of Paternity/Affidavit of Parentage.

Date Of Hearing	Time Of Hearing <input type="checkbox"/> AM <input type="checkbox"/> PM	Location Of Hearing
Date Of Notice	Signature	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk Of Superior Court

### INSTRUCTIONS TO THE PETITIONER:

1. A copy of the Order of Paternity or Affidavit of Parentage **MUST** be attached to this Motion and Notice of Hearing.
2. After receiving a hearing date from the clerk of superior court, **you** must serve a copy of this Motion and a Notice of Hearing on the other party to the Order of Paternity or the person who signed the Affidavit of Parentage. (**NOTE:** *If you serve the Motion and Notice of Hearing by certified mail, you must prepare and file an affidavit of service.*)
3. **You** must serve the local child support enforcement agency if the agency has been involved in the establishment of paternity or the payment of child support for the child(ren) named in your motion.
4. **You** will need to appear in court on the date and time provided in the Notice of Hearing.
5. If **you** want the court to consider terminating your obligation to pay child support, you must file AOC-CV-671 (Motion And Notice Of Hearing For Relief From Child Support Obligation Due To Disestablishment Of Paternity).

I certify that this Motion and Notice Of Hearing was served as follows:

### PARTY

Date	Name Of Person Served
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- By depositing a copy of this Motion and Notice enclosed 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, addressed to the person named above at the address shown on reverse.
- By delivering to the person named above a copy of this Motion and Notice.
- By leaving a copy of this Motion and Notice at the dwelling house or usual place of abode of the person named above with a person of suitable age and discretion then residing therein.
- By delivering a copy of this Motion and Notice to the attorney of record for the person named above.
- Other: *(specify)*

Signature	Name Of Person Serving Notice (type or print)	Title
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### IV-D AGENCY

Date	Name Of IV-D Agency
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- By depositing a copy of this Motion and Notice enclosed 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, addressed to the county manager, a county commissioner or the clerk to the board of county commissioners named below.

<i>Name, Title And Address Of Person Served</i>
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- Other: *(specify)*

Signature	Name Of Person Serving Notice (type or print)	Title
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