STATE OF NORTH	CAROLINA	File No.		
	County	Judgment Abstrac	ct No.	
	County	In The General Court Of Justice District Court Division - Small Claims		
Name Of Plaintiff				
VERSUS		NOTICE OF APPEAL		
Name Of First Defendant		TO DISTRICT COURT		
Name Of Second Defendant			G.S. 7A-228, 7A-230	
TO THE CLERK OF SUPERIOR As the plaintiff defendant within ten (10) days after the date the	in the above-captioned action, I here	by give written Notice of Appeal on the j	judgment entered. This Notice is given	
I certify that today I have served of	opies of this Notice to all parties involve	ed in this action.		
(ten (10) days in summary ejectment	cases), unless I am authorized to apperion to stay execution of the judgment, I	appeal within twenty (20) days after the al as an indigent, or my appeal will be d may be required to sign a bond and tha	ismissed. If I am the defendant, I also	
Also, I demand that this Appeal be tri	ed before a 🔲 judge. 🔲 jury.			
Date Of Entry Of Judgment	Date Of Appeal	Date Costs Paid	Amount Of Court Costs Paid \$	
Name Of Appealing Party 1	Signature Of Appealing Party 1	Name Of Appealing Party 2 (if applicable)	Signature Of Appealing Party 2 (if applicable)	

# NOTICE TO THE APPEALING PARTY

#### **NOTICE OF APPEAL**

If you did not give Notice of Appeal to the magistrate in open court at the time the judgment was rendered, you may file this written Notice of Appeal with the clerk within ten (10) days after the judgment is entered. You have a right to request a trial by jury. If you do not ask for a jury trial, you will be given a trial by a judge without a jury. You must mail or deliver copies of this form to all of the other parties. If you mail them before filing this form with the Clerk, check the block in the body of the form indicating you have served the parties and fill out the back of the original of this form. If you mail copies after filing this form with the Clerk, you must file a separate certification of service with the Clerk. You must file an answer to the allegation if the complaint is a violation of G.S. 42-63 (criminal activity). G.S. 42-68(3).

### **MANDATORY ARBITRATION**

Many counties have mandatory arbitration programs in which appeals from small claims court are heard by an arbitrator before they go to a district court trial. You will be notified if your case is assigned for mandatory arbitration and, if so, what you must do.

# **COURT COSTS**

Within ten (10) days after the magistrate's judgment is entered in a summary ejectment case, and within twenty (20) days in all other cases, you MUST PAY to the clerk in cash the court costs for appealing the case, or your appeal will be dismissed. If you cannot afford to pay the appeal costs, you may ask the clerk for the form to appeal as an indigent (AOC-G-106). You must file the form to appeal as an indigent within ten (10) days after the judgment was entered. If the appealing party petitions to qualify as an indigent, and the petition is denied, that party has an additional five (5) days to perfect the appeal by paying the court costs.

# STOPPING ENFORCEMENT OF JUDGMENT

### Summary ejectment:

If you are a tenant appealing from a summary ejectment judgment entered against you and you wish to stay on the premises until the appeal is heard, you must SIGN A BOND that you will pay your rent as it becomes due into the Clerk's office; you must PAY IN CASH the amount of rent in arrears as determined by the magistrate; and if the judgment was entered more than five (5) days before the next rental payment is due, you may also have to PAY IN CASH the prorated amount of rent due from the date the judgment was entered until the next rental payment is due. Ask the clerk for the bond form (AOC-CVM-304) to allow you to stay on the premises. If you have not signed this bond and paid the prorated amount of cash within ten (10) days after the judgment was entered, the landlord can ask to have the sheriff remove you from the premises even though the case is being appealed.

### Possession of personal property:

If the magistrate's judgment ordered you to return specific personal property to the other party and you wish to continue to hold that property until the appeal is heard, you must sign a bond, signed by at least one surety, that you and the surety will pay any costs and damages if you do not comply with the judgment of the district court. Ask the clerk for the bond form (AOC-CVM-906M). If you have not signed this bond within ten (10) days after the judgment was entered, the other party can ask to have the sheriff take the property from you even though the case is being appealed.

## Money judgment:

If a money judgment has been entered against you, you do not need to sign a bond to stop enforcement. The judgment is automatically stayed until the appeal is heard.

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If the appealing party has not asked for a jury trial and you wish to have a jury rather than a judge without a jury try your case, you must file a written request for a trial by jury with the clerk within ten (10) days after receiving this Notice and, within the same amount of time, you must mail copies of your written request to the other parties. See section on Mandatory Arbitration on Side One of this form.

	CERTIFICATE OF SERVICE					
I certify that a copy of this Notice of Appeal was served by						
depositing a copy enclosed in a postpaid, properly-addressed envelope in a post office or official depository under the exclusive care and custody of the U.S. Postal Service directed to the						
defendant. defendant's attorney. plaintiff. plaintiff's attorney.						
delivering a copy personally to the defendant. defendant's attorney.						
plaintiff. plaintiff's attorney.						
leaving a copy at the						
defendant's attorney's office with a partner or plaintiff's attorney's office with a partner or em						
Other:	p. 6, 500.					
Date Mailed/Delivered	Signature Of Person Serving	n Notice Of Appeal				
Name And Address Of Person To Whom Mailed/Delivered	Name Of Dames Continue No.	Of Annual (turn annual)				
	Name Of Person Serving No	tice Of Appeal (type or print)				
	774					
	Title					
	Name And Mailing Address	Of Appealing Party 1				
	Nume And Maining Address V	or Appealing Farty 1				
	Name And Mailing Address	Of Appealing Party 2 (if applicable)				
	Name And Malling Address (	or Appealing Fatty 2 (II applicable)				