STATE OF NORTH CAROLINA

_____ County

File No.

Judgment Abstract No.

In The General Court Of Justice
District Court Division - Small Claims

Name Of Plaintiff	**NOTICE OF APPEAL TO DISTRICT COURT**
VERSUS	
Name Of First Defendant	
Name Of Second Defendant	G.S. 7A-228, 7A-230

TO THE CLERK OF SUPERIOR COURT:

As the ☐ plaintiff ☐ defendant in the above-captioned action, I hereby give written Notice of Appeal on the judgment rendered. This Notice is given within ten (10) days after the date the judgment in this action was rendered.

☐ I certify that today I have served copies of this Notice to all parties involved in this action.

I understand that I must pay to the Clerk of Superior Court the court costs for appeal within twenty (20) days after the magistrate rendered judgment (ten (10) days in summary ejectment cases), unless I am authorized to appeal as an indigent, or my appeal will be dismissed. If I am the defendant, I also understand that in certain cases if I wish to stay execution of the judgment, I may be required to sign a bond and that the plaintiff may have an execution issued after ten (10) days if I have not signed the required bond.

Also, I demand that this Appeal be tried 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 rendered. 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 rendered 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 rendered. 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 (1) SIGN A BOND that you will pay your rent as it becomes due after judgment is entered into the Clerk's office; (2) you must PAY IN CASH the amount of undisputed rent in arrears as determined by the magistrate, unless you are authorized to appeal as an indigent; (3) and if the basis for filing was nonpayment of rent and the judgment was entered more than five (5) business days before the next rental payment is due, you must 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 in cash any required prorated rent and undisputed rent in arrears within ten (10) days after the judgment was rendered, 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 rendered, 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.

(Over)

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NOTICE TO PARTY NOT APPEALING

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 employee.
- ☐ plaintiff's attorney's office with a partner or employee.

☐ Other:

Date Mailed/Delivered	*Signature Of Person Serving Notice Of Appeal*
Name And Address Of Person To Whom Mailed/Delivered	*Name Of Person Serving Notice Of Appeal (type or print)*
	Title
	Name And Mailing Address Of Appealing Party 1
	Name And Mailing Address Of Appealing Party 2 (if applicable)

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