

STATE OF NORTH CAROLINA

File No.

In The General Court Of Justice
Superior Court Division
Before The Clerk

County

IN THE MATTER OF

Name And Address Where Respondent Is Located

County

Name And Address Of Attorney Guardian Ad Litem

NOTICE OF HEARING ON
INCOMPETENCE
MOTION IN THE CAUSE
AND
ORDER APPOINTING GUARDIAN AD LITEM

G.S. 35A-1107, -1108, -1109, -1112, -1207

State Bar No.

NOTICE

You are notified to appear before the Clerk of Superior Court on the date and at the time and place specified below for a hearing on the attached Petition/Motion. You may file a written response in the office of the Clerk on or before the time set for the hearing.

A petition has been filed alleging that the respondent is incompetent and requesting that a guardian be appointed.

If, at the hearing, the Court finds by clear, cogent and convincing evidence that the respondent is incompetent, an adjudication of incompetence will be entered and a guardian of the person or a guardian of the estate or a general guardian or a limited guardian may be appointed.

A motion has been filed requesting that the existing guardianship in this matter be modified.

If, at the hearing, the Court finds that the guardianship should be modified, an order of modification will be entered.

Date Of Hearing

Time

AM

PM

Place To Appear

A motion for the appointment of an interim guardian has also been made (applies only for incompetence hearings).

You are further notified to appear before the Clerk on the earlier date and at the time and place specified below for a hearing on the motion for the appointment of an interim guardian contained in the attached petition. (Disregard if box above is not checked.)

Date Of Hearing On Interim Guardian

Time

AM

PM

Place To Appear

ORDER APPOINTING GUARDIAN AD LITEM

It is ORDERED that the attorney named above be and hereby is appointed as guardian ad litem to represent the respondent at all stages of this proceeding. The respondent has the right to retain his/her own attorney, at his/her own expense, and if he/she does so, the Court may discharge the guardian ad litem.

Date

Time

AM

PM

Signature

Assistant CSC

Clerk Of Superior Court

INSTRUCTIONS TO PETITIONER:

This Notice and a copy of the petition must be personally served on the respondent and must be served on the guardian ad litem by any method that complies with Rule 4 of the Rules of Civil Procedure. In addition, within five (5) days after filing the petition, you must mail this Notice and a copy of the petition, by first-class mail, to the respondent's next of kin named on the petition and any other person(s) the clerk may designate (except those person(s) who have accepted notice) and file with the Clerk an affidavit of that mailing or a certificate of acceptance of notice.

INSTRUCTIONS TO MOVANT:

This Notice and a copy of the motion must be served on the respondent and must be served on the guardian ad litem by first-class mail or any other method that complies with Rule 5 of the Rules of Civil Procedure. In addition, you must mail this Notice and a copy of the motion, by first-class mail, to any person(s) the Clerk may designate, except those person(s) who have accepted notice, and file with the Clerk an affidavit of that mailing or a certificate of acceptance of notice.

(Over)

**RETURN OF SERVICE**

I certify that this Notice and a copy of the Petition were received and served as follows:

**RESPONDENT**

<i>Date Served</i>	<i>Time Served</i>	<input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Name Of Respondent</i>
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By delivering to the respondent named above a copy of the Notice and Petition.

*Address Where Respondent Served*

Respondent WAS NOT served for the following reason:

**GUARDIAN AD LITEM**

<i>Date Served</i>	<i>Time Served</i>	<input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Name Of Guardian Ad Litem</i>
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Service accepted by guardian ad litem.

*Date Accepted*

*Signature Of Guardian Ad Litem*

By delivering to the guardian ad litem named above personally a copy of the Notice and Petition.

By leaving a copy of the Notice and Petition at the guardian ad litem's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

*Name Of Person With Whom Copies Left*

*Address Where Copies Delivered Or Left*

Other manner of service: *(specify)*

Guardian ad litem WAS NOT served for the following reason:

<i>Date Received</i>	<i>Signature Of Deputy Sheriff Making Return</i>
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<i>Date Of Return</i>	<i>Name Of Deputy Sheriff (type or print)</i>
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<i>County Of Sheriff</i>
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