

STATE OF NORTH CAROLINA

File No.

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

_____ County

IN THE MATTER OF

Full Name And Address Of Ward

Name And Address Of Guardian

Name And Address Of Co-Guardian (if any)

**NOTICE OF HEARING ON
RESTORATION TO COMPETENCY**

**AND ORDER APPOINTING
GUARDIAN AD LITEM**

G.S. 35A-1130, -1295

Name And Address Of Attorney/Guardian Ad Litem

State Bar No.

NOTICE

TO THE ABOVE NAMED PARTIES:

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 motion.

A motion in the cause has been filed alleging that the ward is competent and requesting that the ward be restored to competency. If, at the hearing, the Court or a jury finds by a preponderance of the evidence that the ward is competent, an order restoring the ward to competency will be entered, every guardianship of the ward shall terminate, and the powers and duties of the guardian(s) shall cease.

NOTE: *If the ward is restored to competency, a guardian of the estate or a general guardian is still responsible for accountings under Article 10 of Chapter 35A until the guardian is discharged by the clerk.*

Date Of Hearing

Time

AM
 PM

Place To Appear

ORDER APPOINTING GUARDIAN AD LITEM

It is ORDERED that the attorney named above is appointed as guardian ad litem to represent the ward at the hearing on the matter. The ward 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

Name

Assistant CSC

Clerk Of Superior Court

INSTRUCTIONS TO PETITIONER:

This Notice and a copy of the motion must be personally served on the guardian, (*unless the guardian is the moving party*), the ward (*unless the ward is the moving party*), and any parties to the original incompetency proceeding, by any method that complies with Rule 4 of the Rules of Civil Procedure. In addition, you must 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 Of Hearing and a copy of the Motion In The Cause were received and served as follows:

WARD

<i>Date Served</i>	<i>Time Served</i>	<input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Name Of Ward</i>
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- By delivering to the ward named above a copy of the Notice Of Hearing and Motion In The Cause.
- By leaving a copy of the Notice Of Hearing and Motion In The Cause at the dwelling house or usual place of abode of the ward named above with a person of suitable age and discretion then residing therein.

Name And Address Of Person With Whom Copies Left

Other manner of service (*specify*)

Ward WAS NOT served for the following reason:

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

GUARDIAN

<i>Date Served</i>	<i>Time Served</i>	<input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Name Of Guardian</i>
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- By delivering to the guardian named above a copy of the Notice Of Hearing and Motion In The Cause.
- By leaving a copy of the Notice of Hearing and Motion In The Cause at the dwelling house or usual place of abode of the guardian named above with a person of suitable age and discretion then residing therein.

Name And Address Of Person With Whom Copies Left (if corporation, give title of person copies left with)

Service accepted by guardian

<i>Date Accepted</i>	<i>Signature</i>
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Other manner of service (*specify*)

Guardian WAS NOT served for the following reason:

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

RETURN OF SERVICE

I certify that this Notice of Hearing and a copy of the motion in the cause were received and served as follows:

CO-GUARDIAN (if applicable)

<i>Date Served</i>	<i>Time Served</i>	<input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Name Of Co-Guardian</i>
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- By delivering to the co-guardian named above a copy of the Notice Of Hearing and Motion In The Cause.
- By leaving a copy of the Notice of Hearing and Motion In The Cause at the dwelling house or usual place of abode of the co-guardian named above with a person of suitable age and discretion then residing therein.

Name And Address Of Person With Whom Copies Left (if corporation, give title of person copies left with)

- Service accepted by co-guardian

<i>Date Accepted</i>	<i>Signature</i>
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- Other manner of service (specify)

- Co-Guardian WAS NOT served for the following reason:

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

GUARDIAN AD LITEM ATTORNEY

<i>Date Served</i>	<i>Time Served</i>	<input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Name Of Guardian Ad Litem Attorney</i>
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- By delivering to the guardian ad litem attorney named above a copy of the Notice of Hearing and motion in the cause.
- By leaving a copy of the Notice of Hearing and motion in the cause at the dwelling house or usual place of abode of the guardian ad litem attorney named above with a person of suitable age and discretion then residing therein.

Name And Address Of Person With Whom Copies Left

- Service accepted by guardian ad litem attorney

<i>Date Accepted</i>	<i>Signature</i>
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- Other manner of service (specify)

- Guardian Ad Litem Attorney WAS NOT served for the following reason:

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