



Judicial District 1

MOTION AND ORDER TO SHOW CAUSE

DUE TO THE CHANGING NATURE OF THE LAW, the forms and instructions contained in this packet may become outdated. You should review and research statutes and rules of procedure referenced in the instructions to ensure that the forms are accurate and current.

IN NO EVENT will the Clerk of Court or anyone contributing to the production of these forms, instructions or guidelines be liable for any indirect or consequential damages resulting from use of the forms or information provided to you.

IF THERE ARE ANY QUESTIONS in your mind concerning these forms, or your legal rights, it is strongly recommended that you consult with an attorney.

USE THESE FORMS AT YOUR OWN RISK. THESE FORMS MAY OR MAY NOT BE APPROPRIATE IN YOUR PARTICULAR CASE. ANY DESIRED OUTCOME FROM THE USE OF THESE FORMS CANNOT BE PREDICTED OR GUARANTEED. IT IS STRONGLY RECOMMENDED THAT YOU SEEK LEGAL ADVICE! NO ONE AT THE JUDICIAL CENTER, CLERK OF COURT'S OFFICE OR JUDGE'S OFFICE, MAY GIVE LEGAL ADVICE OR TELL YOU HOW TO FILL OUT FORMS!

PLEASE CAREFULLY READ THE FORMS AND INSTRUCTIONS CONTAINED IN THIS PACKET. IF YOU HAVE ANY QUESTIONS, PLEASE CONSULT WITH AN ATTORNEY.



THESE ARE EDUCATIONAL FORMS AND INSTRUCTIONS DESIGNED TO ASSIST YOU, BUT YOU ARE REPRESENTING YOURSELF. PLEASE REVIEW AND FOLLOW THE DIRECTIONS TO IMPROVE YOUR PERFORMANCE IN YOUR CASE. FAILURE TO READ AND FOLLOW THE INSTRUCTIONS MAY ADVERSELY IMPACT YOUR CLAIM.

Steps for Filing a Motion and Order to Show Cause

STEP 1

Filling Out the Documents

CHECKLIST

You must complete the following documents:

- **Motion to Show Cause.** You are the movant; the other party is the respondent. The plaintiff and defendant stay the same throughout the entire case. Look on the previous order to see who the plaintiff and defendant are. Note that the last page of the **MOTION** needs to be signed in the presence of a **Notary Public**.
- **Order to Show Cause with Sheriff's Return.** Complete the caption of this document. The blanks will be filled out by the judge's office once the case has been scheduled for hearing by the Chief District Court Judge's office.
- **Request for Civil Action Hearing.** Complete all but the bottom portion of this form. Please be sure to check the availability of the other party and indicate both yours and the other party's availability to have this case scheduled. If you cannot get a response from the other party as to their availability, please state so on the form.

STEP 2

Filing the Documents

There is a \$20.00 fee to file the MOTION, in addition to a fee for a Sheriff's Deputy to serve the papers on the other party. Take the original and three copies of the MOTION to the Clerk's office in the county where your case is filed. They will stamp each MOTION "filed," file the original in the Court file and return three copies of the "filed" document to you. Keep one copy of the "filed" MOTION for your records.

Once the MOTION is filed, send one copy of the "filed" MOTION, the ORDER to Show Cause, and the completed Request for Civil Action Hearing to the Chief District Court Judge's office (address below). The Chief Judge will assign a date for your case to be heard and his office will complete the bottom portion of the Order of Assignment as well as the ORDER to Show Cause indicating the date, time, and place of your hearing and will mail copies to you. The judge's office will send the original of these documents to the Clerk for placement in your Court file.

District Court Judge's Office – 1st District
206 E. Main Street, 2nd Floor
P.O. Drawer 366
Elizabeth City, NC 27907

PLEASE MAKE SURE THAT YOUR CORRECT MAILING ADDRESS IS IN THE COURT FILE, AS WELL AS THE CORRECT ADDRESS FOR THE DEFENDANT

STEP 3

Service of Process

North Carolina General Statutes require that you give notice to the other party about the filing of your motion. This is known as "Service of Process." The correct way to serve the other party is determined by law. If the documents are not correctly served on the other party, the court will not hear your case.

You are now ready to serve the documents – 1) copy of the "filed" MOTION; 2) copy of the signed ORDER; and (3) copy of the signed Request for Hearing/Order of Assignment. You may have the Sheriff's Department serve the documents for a service fee. You may also do serve your documents by using First Class Mail, personal delivery, or certified or registered mail with a return receipt requested. NOTE: If you serve the documents by mail, you **MUST** file an affidavit of service of process by mail, (a copy is attached).

STEP 4

Attendance

Be sure to attend all scheduled court events on time and dress appropriately. This is very important.