

STATE OF NORTH CAROLINA COUNTY OF CUMBERLAND	<i>File No.</i>
IN THE GENERAL COURT OF JUSTICE <input type="checkbox"/> Superior <input type="checkbox"/> District <input type="checkbox"/> Before the Clerk <input type="checkbox"/> Small Claims	
Plaintiff	Attorney Appointment Order Under Servicemembers Civil Relief Act 50 U.S.C.Ch. 50 § 3931
vs.	
Defendant	

THIS MATTER coming on to be heard and being heard before the undersigned Judge, and the Court finding:

1. The defendant is in the military service.
2. The defendant has not entered an appearance in this matter.

BASED UPON the foregoing findings, the Court concludes that the defendant is entitled to representation to protect his/her interests in this case.

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The licensed North Carolina attorney listed below is appointed to represent the defendant servicemember pursuant to 50 U.S.C. Ch. 50 § 3931 (b) (2).
2. The appointed attorney shall perform the following **limited** duties:
 - (a) Make all reasonable efforts to contact the servicemember.
 - (b) Advise the servicemember of the protections of the Servicemembers Civil Relief Act.
 - (c) Advise the servicemember of the possibility of entry of default judgment and of the consequences of such a judgment.
 - (d) Ascertain whether the servicemember’s ability to appear and defend his/her legal interests is affected in any way by his/her military status **AND**;
 - (1) **IF SO** -- Ascertain whether the servicemember wishes to move for a 90 day stay of the proceedings to enable him/her to obtain counsel or prepare a defense on the merits of the case; **OR**,
 - (2) **IF NOT** –Advise the defendant of the next scheduled court date and his/her rights and responsibilities to appear in the action.
 - (e) Complete and file an **“Affidavit of Attorney Appointed Under Servicemembers Civil Relief Act” (CCLF-A-004)**
3. This appointment is strictly limited to those duties set forth above and this appointment **DOES NOT** extend to preparation of a defense on the merits of this case.
4. Upon filing the required Affidavit, the appointed attorney’s duties are concluded and withdrawal of the appointed attorney is allowed.

NAME OF APPOINTED ATTORNEY	NEXT COURT DATE/ TIME/ COURTROOM
----------------------------	----------------------------------

DATE/SIGNATURE

Date: _____ Signature of Judge _____

NOTICE TO APPOINTED ATTORNEY

This Appointment Order is entered based upon representations that the named Appointed Attorney has agreed to accept this appointment and understands that the Court is unable to order the payment of fees for services rendered hereunder. **If this is incorrect, the Appointed Attorney should contact the Appointing Judge within five (5) business days of the date of this order.**

DISTRIBUTION By Plaintiff or Plaintiff s Attorney

Original – Court File Copy – Appointed Attorney Copy to Family Court (if a Domestic Filing)
 CCLF-A-003 rev. December 15, 2015 Note: Clerk to distribute for Safelink and Small Claims filings only