

STATE OF NORTH CAROLINA COUNTY OF _____	<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	
<b>Plaintiff</b> _____	<b>Attorney Appointment Order Under          Servicemembers Civil Relief Act          50 U.S.C. App. §§521</b>
<b>vs.</b>	
<b>Defendant</b> _____	

**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 (or there is insufficient information to determine whether 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. App §§521(b) (2).
2. The appointed attorney shall perform the following limited duties:
  - (a) Make all reasonable efforts to contact the defendant and confirm whether he/she is a servicemember.
  - (b) Advise the servicemember of the protections of the Servicemembers Civil Relief Act.
  - (c) Advise the servicemember of the possibility of the entry of a 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**” on the form provided by the Court.
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
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DATE/SIGNATURE
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Date: \_\_\_\_\_ Signature of Judge \_\_\_\_\_

NOTICE TO APPOINTED ATTORNEY
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This Appointment Order is entered based the mandatory provisions of the SCRA and mandated actions required in *In Re Branch*, \_\_\_ N.C. \_\_\_ (2015), even though there are apparently no mechanisms for payment of the Appointed Attorney under the SCRA, the Supreme Court’s opinion, existing North Carolina law, AOC resources, IDS regulations, or local rules of court. If the Appointed Attorney is unable to comply with the provisions of this order for any reason, he/she should contact the Appointing Judge within five (5) business days of this order.

DISTRIBUTION	By Plaintiff or Plaintiff s Attorney	
Original –Court File	Copy –Appointed Attorney	(Form SCRA-1)