

STATE OF NORTH CAROLINA COUNTY OF CUMBERLAND	File No.
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	And NC Servicemembers Civil Relief Act NCGS § 127B-25 et seq.

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.*

***NOTE:** The term “*military service*” includes the following: active duty service as a member of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard; service as a member of the National Guard under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days for purposes of responding to a national emergency; active service as a commissioned officer of the Public Health Service or of the National Oceanic and Atmospheric Administration; any period of service during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause. 50 U.S.C. 3911(2). The term “*military service*” also includes the following: State active duty as a member of the North Carolina National Guard under an order of the Governor pursuant to Chapter 127A of the General Statutes, for a period of more than 30 consecutive days; service as a member of the National Guard of another state under an order of the governor of that state that is similar to State active duty, for a period of more than 30 consecutive days. G.S. 127B-27(3).

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) and NCGS § 127B-26.
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 and NCGS § 127B-25.
 - (c) Advise the servicemember of the possibility of entry of default judgment and of the consequences of such a judgment.
 - (d) Ascertain if the servicemember has any dependents.
 - (e) Advise the dependents of the possibility of entry of default judgment and of the consequences of such a judgment.
 - (f) 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)

Note: Clerk to distribute for Safelink and Small Claims filings only