

APPENDIX E

Pre-Mediation Hearing Order

NORTH CAROLINA
COUNTY OF _____

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO. _____

_____,
Plaintiff

PRE-MEDIATION HEARING

v.

ORDER

_____,
Defendant

This matter coming to be heard for a Pre-Mediation Hearing on this the ____ day of _____ 20__ concerning the pending claim or claims for Equitable Distribution and/or Spousal Support the Court finds as follows:

FINDINGS OF FACT

1. That the Plaintiff appeared in person or appeared by counsel. Counsel for the Plaintiff is: _____.
2. That the Defendant appeared in person or appeared by counsel. Counsel for the Defendant is: _____.
3. That the parties stipulate the following essential facts: (a) The Court has jurisdiction over both the parties and the subject matter in this case; (b) The parties were married on _____ and (c) The parties were separated on _____.
4. That the moving party served his/her Equitable Distribution Inventory Affidavit upon the opposing party on _____.
5. That the responding party served his/her Equitable Distribution Inventory Affidavit upon the opposing party on _____.
6. That the moving party served his/her Financial Affidavit upon the opposing party on _____.
7. That the responding party served his/her Financial Affidavit upon the opposing party on _____.
8. This action requires the parties to engage in an alternative dispute resolution procedure. The parties have agreed that they will participate in a Family Financial Mediation Settlement Conference.

9. If this action involves real estate, the attorneys--working with the mediator--shall first attempt to resolve the issue of valuation **without** the appointment of an appraiser.
10. The Parties shall work with the mediator to resolve any discovery issues prior to mediation.

Based upon the foregoing Findings of Fact, the Court makes the following:

CONCLUSIONS OF LAW

1. That the Court has jurisdiction over both the parties and the subject matter in this case.
2. That the Court concludes as a matter of law that the interests of justice and the expeditious handling of this matter require the entry of this Order.
3. This Order is appropriate under the circumstances of this case.
4. Both parties can comply with the terms of this Order.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED as follows:

1. The parties are ordered by the Court to attend a mediated settlement conference pursuant to G.S. 7A-38.4A within 90 days of the entry of this Order.
2. The parties shall work with the mediator to resolve any discovery issues prior to mediation.
3. If an impasse is declared by the Mediator, following the filing of the Mediator's report, the Initial Pretrial Conference shall be set for hearing at the next session of civil district court in the County in which the matter is pending.

Signed the Date Stamped: _____

DISTRICT COURT JUDGE