

STATE OF NORTH CAROLINA

COUNTY OF _____

IN THE GENERAL COURT OF JUSTICE

DISTRICT COURT DIVISION

FILE NO.

FILM NO.

<p>_____ <i>Plaintiff,</i> (Attorney) _____</p> <p style="text-align: center;">v.</p> <p>_____ <i>Defendant.</i> (Attorney) _____</p>	<p>ORDER (SMALL CLAIM APPEAL TO CIVIL DISTRICT COURT)</p> <p>Appealing Party <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant</p>
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This matter, coming on before the undersigned Judge Presiding over the _____ session of Civil District Court, on an **APPEAL** from a judgment of the magistrate and the:

Plaintiff failed to appear. Appealing party **did not appear in court to prosecute.**

Plaintiff desires to *withdraw appeal*. **Defendant** desires to *withdraw appeal*.

The Court, after hearing all the evidence, **FINDS THE FOLLOWING FACTS:**

1. _____

2. _____

3. _____

It is therefore, ORDERED that:

This case is hereby DISMISSED – *previous judgment cancelled on abstract records.*

The appeal is dismissed and the Magistrate’s judgment is reinstated.

Monies in the amount of \$ _____ currently being held by the Clerk shall be distributed to the **Plaintiff** **Defendant.**

The **Plaintiff** **Defendant** have and recover of the **Plaintiff** **Defendant** the following:

1. _____

2. _____

3. _____

After hearing all the evidence presented, the Court finds that the **Plaintiff** **Defendant** **IS NOT** entitled to recover and the Complaint is **DISMISSED, with costs taxed against** the **Plaintiff** **Defendant.**

The judgment previously entered shall be cancelled.

Date: _____

Judge Presiding

I certify that a filed copy of this Order was mailed to all parties and/or attorneys of record in the above entitled proceeding on the ____ day of _____, 20____.

By: _____ Deputy Assistant CSC