



**26th Judicial District
SelfServe Center**

MOTION

NOTE:

**THIS PACKET CONTAINS INFORMATION REGARDING FILING A MOTION IN A
GENERAL CIVIL COURT CLAIM.**

DUE TO THE CHANGING NATURE OF THE LAW, the forms and information contained in this packet may become outdated. Therefore, you should review and research statutes and rules of procedure referenced in the instructions to ensure that the forms are accurate and current.

IF THERE ARE ANY QUESTIONS in your mind concerning these forms, the use of these forms, or your legal rights, it is strongly recommended that you consult with or retain an attorney.

IN NO EVENT will the SelfServe Center staff, Clerk of Court, Caseflow Management Division, or anyone contributing to the production of these forms, instructions, or guidelines be liable for any indirect or consequential damages resulting from the use of the forms or information provided to you by the SelfServe Center.

USE THESE FORMS AT YOUR OWN RISK. THESE FORMS MAY OR MAY NOT BE APPROPRIATE IN YOUR PARTICULAR CASE. ANY DESIRED OUTCOME FROM THE USE OF THESE FORMS CANNOT BE PREDICTED OR GUARANTEED. IT IS STRONGLY RECOMMENDED THAT YOU SEEK LEGAL ADVICE!

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INTRODUCTION

What is this?

This packet of information is provided for individuals who wish to pursue a case without the assistance of an attorney. This is called a *pro se* or self represented case. If you are not sure that you want or need to go to court, please ask the Self Serve Center or Caseflow Management Division staff to direct you to a lawyer referral service or list of local attorneys willing to provide “unbundled services” (*representation for a limited portion of a case at an hourly rate*).

How will it help me?

If you do not plan to use an attorney, this packet will guide you through the process by providing certain forms you will need. Since you are representing yourself, it is YOUR responsibility to ensure that these are the correct forms for the nature of your case. Therefore, you should review and research *applicable laws* and *rules of procedure* that apply to your type of case. If you are not able to do this, you should talk with an attorney. If at any point during the process you become confused or wish to proceed with the help of an attorney, contact the Mecklenburg County Bar Lawyer Referral Service at (704) 375-0120 or the North Carolina Bar Lawyer Referral Service at (800) 662-7660.

What does this mean?

Certain legal terms will be used throughout your case. A complete legal glossary is available for your convenience in the SelfServe Center. If you still do not understand the term, consult a legal dictionary or the SelfServe Center staff. You may also want to consult a law library for the North Carolina Rules of Court and the website www.nccourts.org to review the local rules for Mecklenburg County. Staff CANNOT provide legal advice, but can provide procedural information and definitions of legal terms.

What is a Motion?

A motion is a request made to a court or judge for purposes of obtaining a rule or order directing something to be done in favor of the applicant

Can I or should I file a Motion?

Please note that the SelfServe Center staff CANNOT provide legal advice. Therefore, we cannot tell you if you should file or what you should file, but we can tell you that you must meet certain criteria to be eligible. For instance, you must have an existing case or plan on filing a case in Mecklenburg County in order to file a Motion. It is your responsibility to know the local and state rules regarding the filing of motions. In some situations, not following the rules or filing motions without merit can result in a case being dismissed, or in fines being assessed. All persons (attorneys and self-represented parties) are required to know and follow the court rules.

What do I do first?

1. After you get your packet, READ THE INSTRUCTIONS! Then fill out the forms by typing or printing neatly in ink. You may fill them out at home or at the courthouse.

2. Make sure to place your case number on the upper right hand corner of your completed documents.
3. After the forms are filled out, you must make 2 COPIES (one for yourself, one for the other party, and the original for the file).
4. There is a filing fee for the filing of a Motion.
5. Take your completed forms and 2 copies to the Civil Filing Department (Clerk's Office) at 832 E. 4th St., Suite 3725.
6. You must serve the other party with a copy of these documents via U.S. Mail.
7. Once you have filed your motion, go to the Caseflow Management Division in Suite 3420 to obtain a hearing date.

IMPORTANT REMINDERS BEFORE YOU BEGIN

Your case involves complicated legal issues! This packet describes the general process, but it is impossible to cover everything that may affect your rights. If you get confused during the process, you should stop and seek advice from an attorney. The staff of the SelfServe Center, Clerk of Court, Judge, or the Trial Court Administrator's Office **CANNOT GIVE YOU LEGAL ADVICE!** If you are thinking of contacting an attorney, please do so as soon as possible.

STEP 1

Filling out the forms

*****CHECKLIST*****

You must complete the following documents:

- ◆ Motion
- ◆ Certificate of Service
- ◆ Notice of Motion

Please make sure to sign and verify your Motion and Certificate of Service.

STEP 2

Filing the documents

Take your Motion with the attached Certificate of Service and 2 copies to the Civil Filing Department (832 E. 4th St., Suite 3725). The clerk will file the original document and return the two copies to you. Keep one copy for your records and send the other copy to the party or parties in the case.

STEP 3

Obtaining a hearing date

After you have filed the documents, proceed to the Caseflow Management Division (Suite 3420). Fill out the Notice of Motion form and a Case Coordinator will assign you a hearing date and time for your Motion.

STEP 4

Notice of Motion

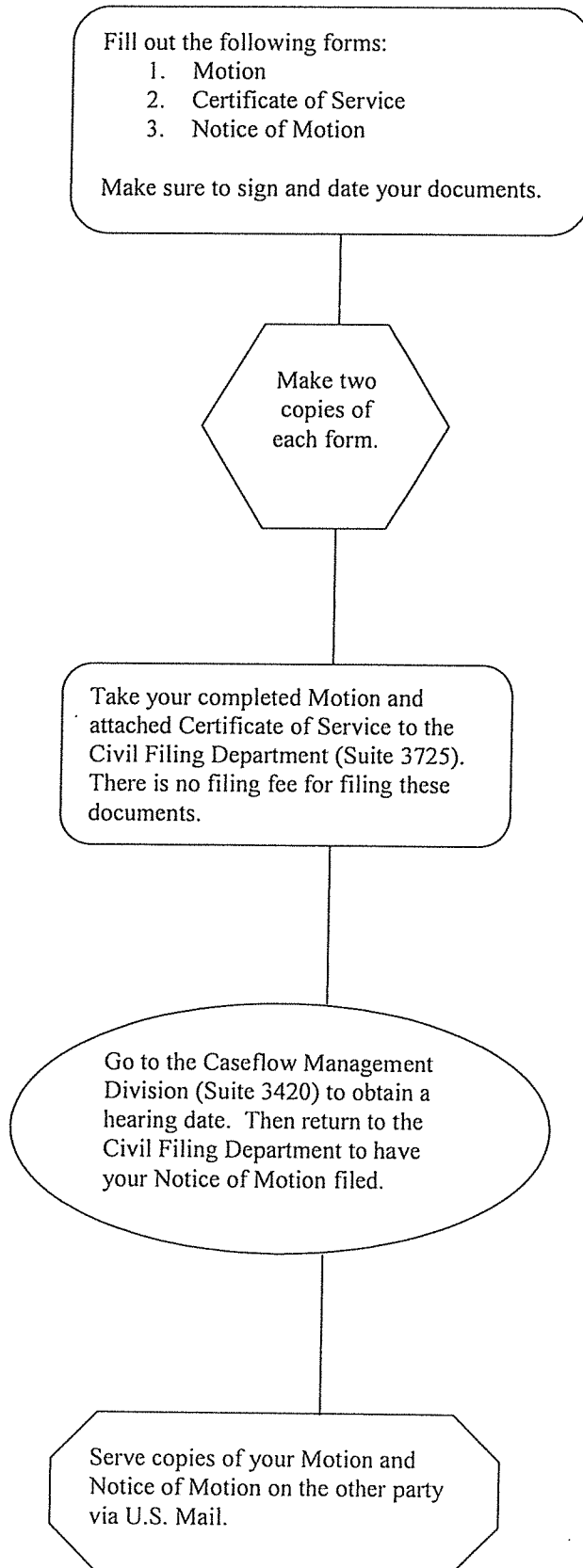
Once you receive your hearing date, you must provide notice of the hearing to the other party within 48 hours of obtaining the date. Take your Notice of Motion form and 2 copies to the Civil Filing Department and have the documents filed. Keep one copy for your records and mail the other copy of the Notice of Motion to the party or parties to the case.

Be sure to attend your scheduled court hearing on time and dressed appropriately (as if you were going to a job interview). This is very important.

Lawyer Referral Services:

*Mecklenburg County Bar Lawyer Referral Service: (704) 375-0120 or www.meckbar.org
North Carolina Bar Lawyer Referral Service: (800) 662-7660*

Steps for filing a Motion and Notice of Motion



STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
SUPERIOR DISTRICT COURT DIVISION

FILE NUMBER: _____

_____,)
_____,)
_____,)
Plaintiff,)
vs.)
_____,)
_____,)
_____,)
Defendant.)
_____)

MOTION

NOW COMES _____, the Plaintiff Defendant, in the above
(Print Your Name)
entitled action and I am asking for the following relief: *(list the type of relief you are seeking from the Court)*

I am asking for this relief because: *(list the supporting reasons why you want the Court to grant your motion)*

This the _____ day of _____, 20____.

 Plaintiff Defendant

Address

City/ State/Zip

Telephone

VERIFICATION

_____ says that he/she is the Plaintiff
(insert your name)

Defendant in this matter, that he/she has read the foregoing MOTION and knows the contents to be true of his/her own personal knowledge, except for those matters and things set forth upon information and belief; and as to those matters and things, he/she believes them to be true.

 Plaintiff Defendant

(Sign in the Presence of the Notary Public)

Sworn to and subscribed before me this _____ day of _____, _____.

Notary Public

My commission expires: _____.

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this pleading in the above entitled action upon all other parties to this cause by depositing a copy thereof, postage paid, in the United States mail addressed to the attorney or attorneys for said parties or to the party or parties individually.

This ____ day of _____, 20__.

 Plaintiff Defendant

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR DISTRICT COURT DIVISION

COUNTY OF MECKLENBURG

FILE NUMBER: _____

_____,)

_____,)

_____,)

Plaintiff

vs

NOTICE OF MOTION

_____,)

_____,)

_____,)

Defendant

The undersigned has this date filed and served a motion:

(Check Type)

To dismiss under Rule 12

For Summary Judgment under Rule 56

To join additional party

For sanctions under Rule 37

To amend pleadings

For Preliminary Injunction

To compel discovery

Other: _____

Submitting party: _____
 Plaintiff Defendant Date

Address: _____

Telephone: _____

.....
This motion is calendared for hearing on _____ at _____ o' clock a.m. /p.m. at
(date) *(time)*
832 E. 4th Street, Charlotte, NC, Mecklenburg County Courthouse in courtroom _____.