



26th Judicial District SelfServe Center

Small Claims: Money Owed

DUE TO THE CHANGING NATURE OF THE LAW, the forms and instructions contained in this packet may become outdated.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

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

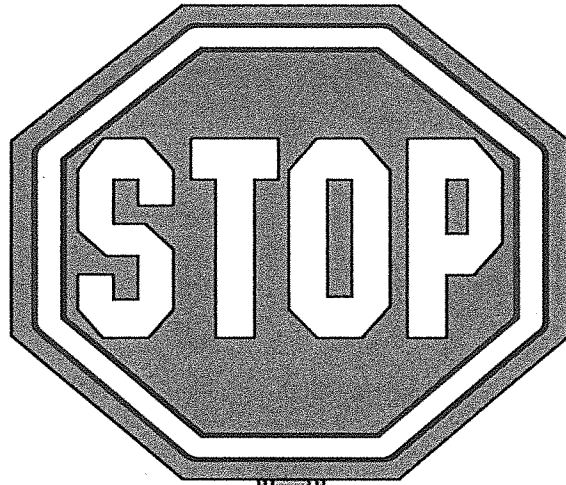
IF THERE ARE ANY QUESTIONS in your mind concerning these forms, or your legal rights, it is strongly recommended that you consult with an attorney.

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!

Filing Fees are regulated by the North Carolina General Assembly, and are subject to change. Please consult with the Staff of the Civil Filing Department or the SelfServe Center for the most up to date fees.

THE FILING FEE FOR THIS ACTION IS: _____

SHERIFF'S FEE IS: _____



**PLEASE CAREFULLY READ THE FORMS
AND INSTRUCTIONS CONTAINED IN THIS
PACKET.**

**IF YOU HAVE ANY QUESTIONS, PLEASE
CONSULT WITH AN ATTORNEY.**

THESE ARE EDUCATIONAL FORMS DESIGNED
TO ASSIST YOU, BUT YOU ARE REPRESENTING
YOURSELF. PLEASE REVIEW AND FOLLOW
THE DIRECTIONS TO IMPROVE YOUR
PERFORMANCE IN YOUR CASE. FAILURE TO
READ AND FOLLOW THE INSTRUCTIONS MAY
ADVERSELY IMPACT YOUR CLAIM.

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 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 start the process for you 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. Staff CANNOT provide legal advice, but can provide procedural information and definitions of legal terms.

SMALL CLAIMS INSTRUCTIONS (FOR MONEY OWED)

IMPORTANT:

- You may file this action if the personal property you are seeking to recover is valued at *ten thousand (10,000) dollars or less.*
- Please **PRINT (BLACK INK ONLY) or TYPE** these forms.
- The Defendant(s) **MUST** be a resident of Mecklenburg County. The defendant is the person or persons from whom you are attempting to recover money owed.
- The Plaintiff (you) **MUST** provide a full name and address. You may provide a work address; however, a Post Office Address **MAY NOT** be used. When filing against a business, show if the business is incorporated (INC. or Co.) or if the business is a person doing business under an assumed name (EXAMPLE John Doe doing business as John Doe's Towing Service).

Note: refer to Instruction Number 3 on the back of the complaint

Step One: Completing Your Forms

Please review your forms to make sure that you have the necessary documents to complete this process.

- **Complaint to Money Owed**
 - One Defendant
On-Line Form: Two (2) copies **From Clerk's Office:** One (1) copy
 - Two Defendants
On-Line Form: Three (3) copies **From Clerk's Office:** One (1) copy
 - If you are unclear if you are filing under "Plaintiff a Secured Party" or "Plaintiff not a Secured Party", read the descriptions for each found under the titles "When Plaintiff is a Secured Party" and "When Plaintiff is not a Secured Party".
 - The Complaint form needs to be completely filled out. It is to be dated and signed by you, the Plaintiff.
- **Magistrate Summons**
 - One (1) defendant, you will need **4 copies**
 - Two (2) defendants, you will need **5 copies**
 - The Magistrate summons should have the name and address of each Defendant listed. You will be mailed the Notice of Hearing Date: therefore, a self – addressed stamped envelope should be provided as well and will not be provided by the Clerk's Office.

Note: This notice will be a copy of the Magistrate Summons you provided.

- The summons **MUST** have the name and address of each Defendant after the word “TO”. Please give the home and work address, if possible. **DO NOT SIGN THIS FORM. DO NOT COPY THESE FORMS.**
- **Servicemembers Civil Relief Act Affidavit – Please submit one per Defendant**
 - Website: <https://www.dmdc.osd.mil/appj/scra/> to determine the defendant’s military status.
- **Affidavit of Service of Process by Registered or Certified Mail** (Use only if you plan to send the Complaint and Summons to the Defendant(s) by Certified or Registered Mail)

Step Two:
Filing the Documents.

The filing fee is payable by cash, money order, or credit card only. Take these documents, a self-addressed and stamped envelope (so that your **Notice of Hearing** may be sent to you), and the **filing fee** to the Small Claims counter in the Civil Filing Department (832 E. Fourth St, Room 3725).

- If you want the Sheriff to serve the Defendant(s) (see Service of Process information below), bring an additional **\$30 per defendant**. The clerk will file your documents and give you a case number. Please make note of this case number as it should be placed in the upper right hand corner of all subsequent documents in the case.

Step Three:
Obtaining Dates, Further Information, etc.

Cases are scheduled for court approximately 29 days from the time they are filed. You will be notified by mail of your court date as soon as we know the Defendant(s) has been served. If for some reason the Sheriff is unable to serve the Defendant(s), we will notify you by mail. Additional fees will apply.

Step Four
Service of Process

North Carolina General Statutes require that you give notice to the defendant about the filing of your claim. This is known as “Service of Process.” The correct way to serve the defendant is determined by law. If the documents are not correctly served on the defendant, the court will not hear your case.

PLEASE READ THIS SECTION VERY CAREFULLY.

If you have concerns or are confused, consult with an attorney immediately!

In order for your case to be binding against the Defendant, he/she must be given notice of the case, or *served* in a manner that is recognized by the court. **PLEASE NOTE that service of process must be completed successfully for your case to proceed and avoid dismissal.** This means that if you have the sheriff serve the documents, **IT IS YOUR RESPONSIBILITY** to follow up and make sure service was completed. If you serve by certified or registered mail, **YOU MUST** file the **Affidavit of Service of Process by Registered or Certified Mail** found in your packet along with the **green return-receipt card** you receive in the mail. The forms needed for *Service of Process* and the procedures you must follow are complex and will vary. In order to learn which steps to take next, review the following and choose the correct forms and procedures for your case:

Available Methods for Service of Process:

I. Service of Process by the Sheriff:

a. If Defendant lives in Mecklenburg County:

- i. Take the **Civil Summons and Complaint** to the Clerk's Office, Room 3725, when you file for recovery of personal property. The summons should include the most recent address of the Defendant and any other information that will help the sheriff's office locate him/her. These will be stamped and filed by the clerk. The Clerk's office *may* deliver the documents to the sheriff for you. *Sometimes*, you must take the stamped documents (Summons and Complaint) and the \$30 payment to the sheriff (700 East Fourth St. Charlotte, NC 28202). In either case, be sure to keep a copy of these documents.
- ii. After delivering these documents to the sheriff, he/she will keep a copy of the summons detailing how the Complaint and Summons were delivered to the Defendant. The sheriff's deputy will then file this information with the clerk of court.
- iii. In order to find out if the sheriff was successful or unsuccessful in attempting to serve the Defendant, you must check *in person* with the Clerk of Court (Room 3725). You may also call the Mecklenburg Sheriff's Office at 704-336-2543 to determine if service was successful.

b. If Defendant DOES NOT live in Mecklenburg County or North Carolina:

- i. If the Defendant does not live in Mecklenburg County or North Carolina, you must mail or deliver the Summons and Complaint to the sheriff in the county where he/she is located. The Summons should include the most recent address of the Defendant and any other information that will help the sheriff's office locate him/her. You should include a certified check or money order for the fee for service made payable to the sheriff *of that county*. *Contact the sheriff's office in the county where the Defendant is located to determine the fees and process associated with service of process.*
- ii. If you wish to send your paperwork to the sheriff's office to be served, you should send it by certified mail return receipt requested to provide evidence that your service request was received.
- iii. In order to find out if the sheriff was successful or unsuccessful in attempting to serve the Defendant, you must check *in person* with the clerk of court (Room 3725). You may also be able to contact the sheriff's office over the phone to confirm whether or not service was successful.

II. Service of Process by Certified or Registered Mail

- a. If you are unsuccessful with service of process by Sheriff your next option is Service of Process by certified or registered mail. Service of Process by Registered or Certified Mail can be completed within the state and outside of the state, but within the US (*please consult with an attorney if the Defendant is in the military or lives in another country*) by mailing a **copy** of the **Summons and Complaint by registered or certified mail, return receipt requested**, addressed to the Defendant and delivered to his/her address (or the address of the location where he/she can be contacted by mail). A postal worker can help you fill out the necessary forms registered or certified mailing. **If you choose this type of service, you must file an Affidavit of Service of Process by Certified or Registered Mail**

when you receive the return receipt (the “green card”). You must attach the original return receipt to your affidavit.

- b. The Affidavit of Service must be taken to and signed in the presence of a Notary Public.

Step Five:
Attendance

Be sure to attend all schedule court events 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 Lawyer Referral Service: (800) 662-7660

File No.

STATE OF NORTH CAROLINA

In The General Court Of Justice
District Court Division-Small Claims

County

COMPLAINT FOR MONEY OWED

G.S. 7A-216, 7A-232

Name And Address Of Plaintiff

County

Telephone No.

VERSUS

Name And Address Of Defendant 1 Individual Corporation

County

Telephone No.

Name And Address Of Defendant 2 Individual Corporation

County

Telephone No.

Name And Address Of Plaintiff's Attorney

- The defendant is a resident of the county named above.
- The defendant owes me the amount listed for the following reason:

Principal Amount Owed	\$
Interest Owed (if any)	\$
Total Amount Owed	\$

(check one below)

- On An Account (attach a copy of the account)
- For Goods Sold And Delivered Between
- For Money Lent
- On a Promissory Note (attach copy)
- For a Worthless Check (attach a copy of the check)
- For conversion (describe property)

Other: (specify)

I demand to recover the total amount listed above, plus interest and reimbursement for court costs.

Date

Name Of Plaintiff Or Attorney (Type Or Print)

Signature Of Plaintiff Or Attorney

(Over)

INSTRUCTIONS TO PLAINTIFF OR DEFENDANT

1. The PLAINTIFF must file a small claim action in the county where at least one of the defendants resides.
2. The PLAINTIFF cannot sue in small claims court for more than \$10,000.00. This amount may be lower, depending on local judicial order. If the amount is lower, it may be any amount between \$5,000.00 and \$10,000.00, as determined by the chief district court judge of the judicial district.
3. The PLAINTIFF must show the complete name and address of the defendant to ensure service on the defendant. If there are two defendants and they reside at different addresses, the plaintiff must include both addresses. The plaintiff must determine if the defendant is a corporation and sue in the complete corporate name. If the business is not a corporation, the plaintiff must determine the owner's name and sue the owner.
4. The PLAINTIFF may serve the defendant(s) by mailing a copy of the summons and complaint by registered or certified mail, return receipt requested, addressed to the party to be served or by paying the costs to have the sheriff serve the summons and complaint. If certified or registered mail is used, the plaintiff must prepare and file a sworn statement with the Clerk of Superior Court proving service by certified mail and must attach to that statement the postal receipt showing that the letter was accepted.
5. The PLAINTIFF must pay advance court costs at the time of filing this Complaint. In the event that judgment is entered in favor of the plaintiff, court costs may be charged against the defendant.
6. The DEFENDANT may file a written answer, making defense to the claim, in the office of the Clerk of Superior Court. This answer should be accompanied by a copy for the plaintiff and be filed no later than the time set for trial. The filing of the answer DOES NOT relieve the defendant of the need to appear before the magistrate to assert the defendant's defense.
7. Whether or not an answer is filed, the PLAINTIFF must appear before the magistrate.
8. The PLAINTIFF or the DEFENDANT may appeal the magistrate's decision in this case. To appeal, notice must be given in open court when the judgment is rendered, or notice may be given in writing to the Clerk of Superior Court within ten (10) days after the judgment is rendered. If notice is given in writing, the appealing party must also serve written notice of appeal on all other parties. The appealing party must PAY to the Clerk of Superior Court the costs of court for appeal within twenty (20) days after the judgment is rendered.
9. This form is supplied in order to expedite the handling of small claims. It is designed to cover the most common claims.
10. **The Clerk or magistrate cannot advise you about your case or assist you in completing this form. If you have any questions, you should consult an attorney.**

File No.

STATE OF NORTH CAROLINA

In The General Court Of Justice
District Court Division-Small Claims

County

COMPLAINT FOR MONEY OWED

G.S. 7A-216, 7A-232

Name And Address Of Plaintiff

County Telephone No.

VERSUS

Name And Address Of Defendant 1 Individual Corporation

County Telephone No.

Name And Address Of Defendant 2 Individual Corporation

County Telephone No.

Name And Address Of Plaintiff's Attorney

- The defendant is a resident of the county named above.
- The defendant owes me the amount listed for the following reason:

Principal Amount Owed	\$
Interest Owed (if any)	\$
Total Amount Owed	\$

(check one below)

- On An Account (attach a copy of the account)

Date From Which Interest Due	Interest Rate
Beginning Date	Ending Date
Date From Which Interest Due	Interest Rate
Date Of Note	Date From Which Interest Due
	Interest Rate
- For Goods Sold And Delivered Between
- For Money Lent
- On a Promissory Note (attach copy)
- For a Worthless Check (attach a copy of the check)
- For conversion (describe property)

Other: (specify)

I demand to recover the total amount listed above, plus interest and reimbursement for court costs.

Date

Name Of Plaintiff Or Attorney (Type Or Print)

Signature Of Plaintiff Or Attorney

(Over)

INSTRUCTIONS TO PLAINTIFF OR DEFENDANT

1. The PLAINTIFF must file a small claim action in the county where at least one of the defendants resides.
2. The PLAINTIFF cannot sue in small claims court for more than \$10,000.00. This amount may be lower, depending on local judicial order. If the amount is lower, it may be any amount between \$5,000.00 and \$10,000.00, as determined by the chief district court judge of the judicial district.
3. The PLAINTIFF must show the complete name and address of the defendant to ensure service on the defendant. If there are two defendants and they reside at different addresses, the plaintiff must include both addresses. The plaintiff must determine if the defendant is a corporation and sue in the complete corporate name. If the business is not a corporation, the plaintiff must determine the owner's name and sue the owner.
4. The PLAINTIFF may serve the defendant(s) by mailing a copy of the summons and complaint by registered or certified mail, return receipt requested, addressed to the party to be served or by paying the costs to have the sheriff serve the summons and complaint. If certified or registered mail is used, the plaintiff must prepare and file a sworn statement with the Clerk of Superior Court proving service by certified mail and must attach to that statement the postal receipt showing that the letter was accepted.
5. The PLAINTIFF must pay advance court costs at the time of filing this Complaint. In the event that judgment is entered in favor of the plaintiff, court costs may be charged against the defendant.
6. The DEFENDANT may file a written answer, making defense to the claim, in the office of the Clerk of Superior Court. This answer should be accompanied by a copy for the plaintiff and be filed no later than the time set for trial. The filing of the answer DOES NOT relieve the defendant of the need to appear before the magistrate to assert the defendant's defense.
7. Whether or not an answer is filed, the PLAINTIFF must appear before the magistrate.
8. The PLAINTIFF or the DEFENDANT may appeal the magistrate's decision in this case. To appeal, notice must be given in open court when the judgment is rendered, or notice may be given in writing to the Clerk of Superior Court within ten (10) days after the judgment is rendered. If notice is given in writing, the appealing party must also serve written notice of appeal on all other parties. The appealing party must PAY to the Clerk of Superior Court the costs of court for appeal within twenty (20) days after the judgment is rendered.
9. This form is supplied in order to expedite the handling of small claims. It is designed to cover the most common claims.
10. **The Clerk or magistrate cannot advise you about your case or assist you in completing this form. If you have any questions, you should consult an attorney.**

File No.

STATE OF NORTH CAROLINA

In The General Court Of Justice
District Court Division-Small Claims

County

COMPLAINT FOR MONEY OWED

G.S. 7A-216, 7A-232

Name And Address Of Plaintiff

County

Telephone No.

VERSUS

Name And Address Of Defendant 1 Individual Corporation

County

Telephone No.

Name And Address Of Defendant 2 Individual Corporation

County

Telephone No.

Name And Address Of Plaintiff's Attorney

- The defendant is a resident of the county named above.
- The defendant owes me the amount listed for the following reason:

Principal Amount Owed	\$
Interest Owed (if any)	\$
Total Amount Owed	\$

(check one below)

- On An Account (attach a copy of the account)

Date From Which Interest Due		Interest Rate
Beginning Date	Ending Date	Interest Rate
Date From Which Interest Due		Interest Rate
Date Of Note	Date From Which Interest Due	Interest Rate
- For Goods Sold And Delivered Between
- For Money Lent
- On a Promissory Note (attach copy)
- For a Worthless Check (attach a copy of the check)
- For conversion (describe property)

Other: (specify)

I demand to recover the total amount listed above, plus interest and reimbursement for court costs.

Date

Name Of Plaintiff Or Attorney (Type Or Print)

Signature Of Plaintiff Or Attorney

(Over)

INSTRUCTIONS TO PLAINTIFF OR DEFENDANT

1. The PLAINTIFF must file a small claim action in the county where at least one of the defendants resides.
2. The PLAINTIFF cannot sue in small claims court for more than \$10,000.00. This amount may be lower, depending on local judicial order. If the amount is lower, it may be any amount between \$5,000.00 and \$10,000.00, as determined by the chief district court judge of the judicial district.
3. The PLAINTIFF must show the complete name and address of the defendant to ensure service on the defendant. If there are two defendants and they reside at different addresses, the plaintiff must include both addresses. The plaintiff must determine if the defendant is a corporation and sue in the complete corporate name. If the business is not a corporation, the plaintiff must determine the owner's name and sue the owner.
4. The PLAINTIFF may serve the defendant(s) by mailing a copy of the summons and complaint by registered or certified mail, return receipt requested, addressed to the party to be served or by paying the costs to have the sheriff serve the summons and complaint. If certified or registered mail is used, the plaintiff must prepare and file a sworn statement with the Clerk of Superior Court proving service by certified mail and must attach to that statement the postal receipt showing that the letter was accepted.
5. The PLAINTIFF must pay advance court costs at the time of filing this Complaint. In the event that judgment is entered in favor of the plaintiff, court costs may be charged against the defendant.
6. The DEFENDANT may file a written answer, making defense to the claim, in the office of the Clerk of Superior Court. This answer should be accompanied by a copy for the plaintiff and be filed no later than the time set for trial. The filing of the answer DOES NOT relieve the defendant of the need to appear before the magistrate to assert the defendant's defense.
7. Whether or not an answer is filed, the PLAINTIFF must appear before the magistrate.
8. The PLAINTIFF or the DEFENDANT may appeal the magistrate's decision in this case. To appeal, notice must be given in open court when the judgment is rendered, or notice may be given in writing to the Clerk of Superior Court within ten (10) days after the judgment is rendered. If notice is given in writing, the appealing party must also serve written notice of appeal on all other parties. The appealing party must PAY to the Clerk of Superior Court the costs of court for appeal within twenty (20) days after the judgment is rendered.
9. This form is supplied in order to expedite the handling of small claims. It is designed to cover the most common claims.
10. **The Clerk or magistrate cannot advise you about your case or assist you in completing this form. If you have any questions, you should consult an attorney.**

File No.

STATE OF NORTH CAROLINA

In The General Court Of Justice
District Court Division-Small Claims

County

COMPLAINT FOR MONEY OWED

G.S. 7A-216, 7A-232

Name And Address Of Plaintiff

County

Telephone No.

VERSUS

Name And Address Of Defendant 1

Individual

Corporation

County

Telephone No.

Name And Address Of Defendant 2

Individual

Corporation

County

Telephone No.

Name And Address Of Plaintiff's Attorney

- The defendant is a resident of the county named above.
- The defendant owes me the amount listed for the following reason:

Principal Amount Owed	\$
Interest Owed (if any)	\$
Total Amount Owed	\$

(check one below)

- On An Account (attach a copy of the account)

Date From Which Interest Due	Interest Rate
Beginning Date	Ending Date
Date From Which Interest Due	Interest Rate
Date Of Note	Date From Which Interest Due
	Interest Rate
- For Goods Sold And Delivered Between
- For Money Lent
- On a Promissory Note (attach copy)
- For a Worthless Check (attach a copy of the check)
- For conversion (describe property)

Other: (specify)

I demand to recover the total amount listed above, plus interest and reimbursement for court costs.

Date

Name Of Plaintiff Or Attorney (Type Or Print)

Signature Of Plaintiff Or Attorney

(Over)

File No.

STATE OF NORTH CAROLINA

In The General Court Of Justice
District Court Division-Small Claims

County _____

COMPLAINT FOR MONEY OWED

G.S. 7A-216, 7A-232

Name And Address Of Plaintiff

County

Telephone No.

VERSUS

Name And Address Of Defendant 1 Individual Corporation

County

Telephone No.

Name And Address Of Defendant 2 Individual Corporation

County

Telephone No.

Name And Address Of Plaintiff's Attorney

- The defendant is a resident of the county named above.
- The defendant owes me the amount listed for the following reason:

Principal Amount Owed	\$
Interest Owed (if any)	\$
Total Amount Owed	\$

(check one below)

- On An Account (attach a copy of the account) Date From Which Interest Due Interest Rate
- For Goods Sold And Delivered Between Beginning Date Ending Date Interest Rate
- For Money Lent Date From Which Interest Due Interest Rate
- On a Promissory Note (attach copy) Date Of Note Date From Which Interest Due Interest Rate
- For a Worthless Check (attach a copy of the check)
- For conversion (describe property)

Other: (specify)

I demand to recover the total amount listed above, plus interest and reimbursement for court costs.

Date

Name Of Plaintiff Or Attorney (Type Or Print)

Signature Of Plaintiff Or Attorney

(Over)

INSTRUCTIONS TO PLAINTIFF OR DEFENDANT

1. The PLAINTIFF must file a small claim action in the county where at least one of the defendants resides.
2. The PLAINTIFF cannot sue in small claims court for more than \$10,000.00. This amount may be lower, depending on local judicial order. If the amount is lower, it may be any amount between \$5,000.00 and \$10,000.00, as determined by the chief district court judge of the judicial district.
3. The PLAINTIFF must show the complete name and address of the defendant to ensure service on the defendant. If there are two defendants and they reside at different addresses, the plaintiff must include both addresses. The plaintiff must determine if the defendant is a corporation and sue in the complete corporate name. If the business is not a corporation, the plaintiff must determine the owner's name and sue the owner.
4. The PLAINTIFF may serve the defendant(s) by mailing a copy of the summons and complaint by registered or certified mail, return receipt requested, addressed to the party to be served or by paying the costs to have the sheriff serve the summons and complaint. If certified or registered mail is used, the plaintiff must prepare and file a sworn statement with the Clerk of Superior Court proving service by certified mail and must attach to that statement the postal receipt showing that the letter was accepted.
5. The PLAINTIFF must pay advance court costs at the time of filing this Complaint. In the event that judgment is entered in favor of the plaintiff, court costs may be charged against the defendant.
6. The DEFENDANT may file a written answer, making defense to the claim, in the office of the Clerk of Superior Court. This answer should be accompanied by a copy for the plaintiff and be filed no later than the time set for trial. The filing of the answer DOES NOT relieve the defendant of the need to appear before the magistrate to assert the defendant's defense.
7. Whether or not an answer is filed, the PLAINTIFF must appear before the magistrate.
8. The PLAINTIFF or the DEFENDANT may appeal the magistrate's decision in this case. To appeal, notice must be given in open court when the judgment is rendered, or notice may be given in writing to the Clerk of Superior Court within ten (10) days after the judgment is rendered. If notice is given in writing, the appealing party must also serve written notice of appeal on all other parties. The appealing party must PAY to the Clerk of Superior Court the costs of court for appeal within twenty (20) days after the judgment is rendered.
9. This form is supplied in order to expedite the handling of small claims. It is designed to cover the most common claims.
10. **The Clerk or magistrate cannot advise you about your case or assist you in completing this form. If you have any questions, you should consult an attorney.**

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
District Court Division - Small Claims

Plaintiff(s)	<p>MAGISTRATE SUMMONS</p> <p><input type="checkbox"/> ALIAS AND PLURIES SUMMONS (ASSESS FEE)</p>
VERSUS	G.S. 1A-1, Rule 4; 7A-217, -232
Defendant(s)	Date Original Summons Issued
	Date(s) Subsequent Summons(es) Issued
TO	TO
Name And Address Of Defendant 1	Name And Address Of Defendant 2
Telephone No. Of Defendant 1	Telephone No. Of Defendant 2



IMPORTANT! You have been sued! These papers are legal documents, DO NOT throw these papers out! You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers!

¡IMPORTANTE! ¡Se ha entablado un proceso civil en su contra! Estos papeles son documentos legales. ¡NO TIRE estos papeles! ¡Puede querer consultar con un abogado lo antes posible acerca de su caso y, de ser necesario, hablar con alguien que lea inglés y que pueda traducir estos documentos!

A Small Claim Action Has Been Commenced Against You!

You are notified to appear before the magistrate at the specified date, time, and location of trial listed below. You will have the opportunity at the trial to defend yourself against the claim stated in the attached complaint.

You may file a written answer, making defense to the claim, in the office of the Clerk of Superior Court at any time before the time set for trial.

If you fail to appear and defend against the proof offered, the magistrate may enter a judgment against you.

Date Of Trial	Time Of Trial <input type="checkbox"/> AM <input type="checkbox"/> PM	Location Of Court
Name And Address Of Plaintiff Or Plaintiff's Attorney		Date Issued
		Signature
		<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court

(Over)

RETURN OF SERVICE

I certify that this summons and a copy of the complaint were received and served as follows:

DEFENDANT 1

<i>Date Served</i>	<i>Time Served</i>	<input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Name Of Defendant</i>
--------------------	--------------------	---	--------------------------

- By delivering to the defendant named above a copy of the summons and complaint.
- By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein, who is named below.
- As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address Of Person With Whom Copy Left (if corporation, give title of person copy left with)

Other manner of service (*specify*)

Defendant WAS NOT served for the following reason:

DEFENDANT 2

<i>Date Served</i>	<i>Time Served</i>	<input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Name Of Defendant</i>
--------------------	--------------------	---	--------------------------

- By delivering to the defendant named above a copy of the summons and complaint.
- By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein, who is named below.
- As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address Of Person With Whom Copy Left (if corporation, give title of person copy left with)

Other manner of service (*specify*)

Defendant WAS NOT served for the following reason:

**FOR USE IN
SUMMARY
EJECTMENT
CASES ONLY:**

Service was made by mailing by first class mail a copy of the summons and complaint to the defendant(s) and by posting a copy of the summons and complaint at the following premises:

<i>Date Served</i>	<i>Name(s) Of The Defendant(s) Served By Posting</i>
<i>Address Of Premises Where Posted</i>	

<i>Service Fee</i> \$	<i>Signature Of Deputy Sheriff Making Return</i>
<i>Date Received</i>	<i>Name Of Deputy Sheriff Making Return (type or print)</i>
<i>Date Of Return</i>	<i>County Of Sheriff</i>

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
District Court Division - Small Claims

Plaintiff(s)	<p>MAGISTRATE SUMMONS</p> <p><input type="checkbox"/> ALIAS AND PLURIES SUMMONS (ASSESS FEE)</p>
VERSUS	G.S. 1A-1, Rule 4; 7A-217, -232
Defendant(s)	Date Original Summons Issued
	Date(s) Subsequent Summons(es) Issued
TO	TO
Name And Address Of Defendant 1	Name And Address Of Defendant 2
Telephone No. Of Defendant 1	Telephone No. Of Defendant 2



IMPORTANT! You have been sued! These papers are legal documents, DO NOT throw these papers out!
You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers!

¡IMPORTANTE! ¡Se ha entablado un proceso civil en su contra! Estos papeles son documentos legales.
¡NO TIRE estos papeles!
¡Puede querer consultar con un abogado lo antes posible acerca de su caso y, de ser necesario, hablar con alguien que lea inglés y que pueda traducir estos documentos!

A Small Claim Action Has Been Commenced Against You!

You are notified to appear before the magistrate at the specified date, time, and location of trial listed below. You will have the opportunity at the trial to defend yourself against the claim stated in the attached complaint.

You may file a written answer, making defense to the claim, in the office of the Clerk of Superior Court at any time before the time set for trial.

If you fail to appear and defend against the proof offered, the magistrate may enter a judgment against you.

Date Of Trial	Time Of Trial <input type="checkbox"/> AM <input type="checkbox"/> PM	Location Of Court
Name And Address Of Plaintiff Or Plaintiff's Attorney		Date Issued
		Signature
		<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court

(Over)

RETURN OF SERVICE

I certify that this summons and a copy of the complaint were received and served as follows:

DEFENDANT 1

Date Served	Time Served	<input type="checkbox"/> AM	<input type="checkbox"/> PM	Name Of Defendant
-------------	-------------	-----------------------------	-----------------------------	-------------------

- By delivering to the defendant named above a copy of the summons and complaint.
- By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein, who is named below.
- As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address Of Person With Whom Copy Left (if corporation, give title of person copy left with)

Other manner of service (specify)

Defendant WAS NOT served for the following reason:

DEFENDANT 2

Date Served	Time Served	<input type="checkbox"/> AM	<input type="checkbox"/> PM	Name Of Defendant
-------------	-------------	-----------------------------	-----------------------------	-------------------

- By delivering to the defendant named above a copy of the summons and complaint.
- By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein, who is named below.
- As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address Of Person With Whom Copy Left (if corporation, give title of person copy left with)

Other manner of service (specify)

Defendant WAS NOT served for the following reason:

**FOR USE IN
SUMMARY
EJECTMENT
CASES ONLY:**

Service was made by mailing by first class mail a copy of the summons and complaint to the defendant(s) and by posting a copy of the summons and complaint at the following premises:

Date Served	Name(s) Of The Defendant(s) Served By Posting
Address Of Premises Where Posted	

Service Fee \$	Signature Of Deputy Sheriff Making Return
Date Received	Name Of Deputy Sheriff Making Return (type or print)
Date Of Return	County Of Sheriff

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
District Court Division - Small Claims

<i>Plaintiff(s)</i>	<p>MAGISTRATE SUMMONS</p> <p><input type="checkbox"/> ALIAS AND PLURIES SUMMONS (ASSESS FEE)</p>
VERSUS	G.S. 1A-1, Rule 4; 7A-217, -232
<i>Defendant(s)</i>	<i>Date Original Summons Issued</i>
	<i>Date(s) Subsequent Summons(es) Issued</i>
TO	TO
<i>Name And Address Of Defendant 1</i>	<i>Name And Address Of Defendant 2</i>
<i>Telephone No. Of Defendant 1</i>	<i>Telephone No. Of Defendant 2</i>



IMPORTANT! You have been sued! These papers are legal documents, DO NOT throw these papers out! You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers!

¡IMPORTANTE! ¡Se ha entablado un proceso civil en su contra! Estos papeles son documentos legales. ¡NO TIRE estos papeles! ¡Puede querer consultar con un abogado lo antes posible acerca de su caso y, de ser necesario, hablar con alguien que lea inglés y que pueda traducir estos documentos!

A Small Claim Action Has Been Commenced Against You!

You are notified to appear before the magistrate at the specified date, time, and location of trial listed below. You will have the opportunity at the trial to defend yourself against the claim stated in the attached complaint.

You may file a written answer, making defense to the claim, in the office of the Clerk of Superior Court at any time before the time set for trial.

If you fail to appear and defend against the proof offered, the magistrate may enter a judgment against you.

<i>Date Of Trial</i>	<i>Time Of Trial</i> <input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Location Of Court</i>
<i>Name And Address Of Plaintiff Or Plaintiff's Attorney</i>		<i>Date Issued</i>
		<i>Signature</i>
		<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court

(Over)

RETURN OF SERVICE

I certify that this summons and a copy of the complaint were received and served as follows:

DEFENDANT 1

<i>Date Served</i>	<i>Time Served</i>	<input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Name Of Defendant</i>
--------------------	--------------------	---	--------------------------

- By delivering to the defendant named above a copy of the summons and complaint.
- By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein, who is named below.
- As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address Of Person With Whom Copy Left (if corporation, give title of person copy left with)

Other manner of service *(specify)*

Defendant WAS NOT served for the following reason:

DEFENDANT 2

<i>Date Served</i>	<i>Time Served</i>	<input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Name Of Defendant</i>
--------------------	--------------------	---	--------------------------

- By delivering to the defendant named above a copy of the summons and complaint.
- By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein, who is named below.
- As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address Of Person With Whom Copy Left (if corporation, give title of person copy left with)

Other manner of service *(specify)*

Defendant WAS NOT served for the following reason:

**FOR USE IN
SUMMARY
EJECTMENT
CASES ONLY:**

Service was made by mailing by first class mail a copy of the summons and complaint to the defendant(s) and by posting a copy of the summons and complaint at the following premises:

<i>Date Served</i>	<i>Name(s) Of The Defendant(s) Served By Posting</i>
<i>Address Of Premises Where Posted</i>	

<i>Service Fee</i> \$	<i>Signature Of Deputy Sheriff Making Return</i>
<i>Date Received</i>	<i>Name Of Deputy Sheriff Making Return (type or print)</i>
<i>Date Of Return</i>	<i>County Of Sheriff</i>

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
District Court Division - Small Claims

Plaintiff(s)	<p>MAGISTRATE SUMMONS</p> <p><input type="checkbox"/> ALIAS AND PLURIES SUMMONS (ASSESS FEE)</p>
VERSUS	G.S. 1A-1, Rule 4; 7A-217, -232
Defendant(s)	Date Original Summons Issued
	Date(s) Subsequent Summons(es) Issued
TO	TO
Name And Address Of Defendant 1	Name And Address Of Defendant 2
Telephone No. Of Defendant 1	Telephone No. Of Defendant 2



IMPORTANT! You have been sued! These papers are legal documents, DO NOT throw these papers out!
You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers!

¡IMPORTANTE! ¡Se ha entablado un proceso civil en su contra! Estos papeles son documentos legales.
¡NO TIRE estos papeles!
¡Puede querer consultar con un abogado lo antes posible acerca de su caso y, de ser necesario, hablar con alguien que lea inglés y que pueda traducir estos documentos!

A Small Claim Action Has Been Commenced Against You!

You are notified to appear before the magistrate at the specified date, time, and location of trial listed below. You will have the opportunity at the trial to defend yourself against the claim stated in the attached complaint.

You may file a written answer, making defense to the claim, in the office of the Clerk of Superior Court at any time before the time set for trial.

If you fail to appear and defend against the proof offered, the magistrate may enter a judgment against you.

Date Of Trial	Time Of Trial <input type="checkbox"/> AM <input type="checkbox"/> PM	Location Of Court
Name And Address Of Plaintiff Or Plaintiff's Attorney		Date Issued
		Signature
		<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court

(Over)

RETURN OF SERVICE

I certify that this summons and a copy of the complaint were received and served as follows:

DEFENDANT 1

Date Served Time Served [] AM [] PM Name Of Defendant

- [] By delivering to the defendant named above a copy of the summons and complaint.
[] By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein, who is named below.
[] As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address Of Person With Whom Copy Left (if corporation, give title of person copy left with)

[] Other manner of service (specify)

[] Defendant WAS NOT served for the following reason:

DEFENDANT 2

Date Served Time Served [] AM [] PM Name Of Defendant

- [] By delivering to the defendant named above a copy of the summons and complaint.
[] By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein, who is named below.
[] As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address Of Person With Whom Copy Left (if corporation, give title of person copy left with)

[] Other manner of service (specify)

[] Defendant WAS NOT served for the following reason:

[] Service was made by mailing by first class mail a copy of the summons and complaint to the defendant(s) and by posting a copy of the summons and complaint at the following premises:

Date Served Name(s) Of The Defendant(s) Served By Posting
Address Of Premises Where Posted

Service Fee \$ Signature Of Deputy Sheriff Making Return

Date Received Name Of Deputy Sheriff Making Return (type or print)

Date Of Return County Of Sheriff

STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice
District Court Division - Small Claims

Plaintiff(s)

MAGISTRATE SUMMONS

ALIAS AND PLURIES SUMMONS (ASSESS FEE)

VERSUS

G.S. 1A-1, Rule 4; 7A-217, -232

Defendant(s)

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

TO

TO

Name And Address Of Defendant 1

Name And Address Of Defendant 2

Telephone No. Of Defendant 1

Telephone No. Of Defendant 2



IMPORTANT! You have been sued! These papers are legal documents, DO NOT throw these papers out!
You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers!

¡IMPORTANTE! ¡Se ha entablado un proceso civil en su contra! Estos papeles son documentos legales.
¡NO TIRE estos papeles!
¡Puede querer consultar con un abogado lo antes posible acerca de su caso y, de ser necesario, hablar con alguien que lea inglés y que pueda traducir estos documentos!

A Small Claim Action Has Been Commenced Against You!

You are notified to appear before the magistrate at the specified date, time, and location of trial listed below. You will have the opportunity at the trial to defend yourself against the claim stated in the attached complaint.

You may file a written answer, making defense to the claim, in the office of the Clerk of Superior Court at any time before the time set for trial.

If you fail to appear and defend against the proof offered, the magistrate may enter a judgment against you.

Date Of Trial

Time Of Trial

AM PM

Location Of Court

Name And Address Of Plaintiff Or Plaintiff's Attorney

Date Issued

Signature

Deputy CSC

Assistant CSC

Clerk Of Superior Court

(Over)

RETURN OF SERVICE

I certify that this summons and a copy of the complaint were received and served as follows:

DEFENDANT 1

<i>Date Served</i>	<i>Time Served</i>	<input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Name Of Defendant</i>
--------------------	--------------------	---	--------------------------

- By delivering to the defendant named above a copy of the summons and complaint.
- By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein, who is named below.
- As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address Of Person With Whom Copy Left (if corporation, give title of person copy left with)

Other manner of service (*specify*)

Defendant WAS NOT served for the following reason:

DEFENDANT 2

<i>Date Served</i>	<i>Time Served</i>	<input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Name Of Defendant</i>
--------------------	--------------------	---	--------------------------

- By delivering to the defendant named above a copy of the summons and complaint.
- By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein, who is named below.
- As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address Of Person With Whom Copy Left (if corporation, give title of person copy left with)

Other manner of service (*specify*)

Defendant WAS NOT served for the following reason:

Service was made by mailing by first class mail a copy of the summons and complaint to the defendant(s) and by posting a copy of the summons and complaint at the following premises:

FOR USE IN SUMMARY EJECTMENT CASES ONLY:	<i>Date Served</i>	<i>Name(s) Of The Defendant(s) Served By Posting</i>
	<i>Address Of Premises Where Posted</i>	

<i>Service Fee</i> \$	<i>Signature Of Deputy Sheriff Making Return</i>
<i>Date Received</i>	<i>Name Of Deputy Sheriff Making Return (type or print)</i>
<i>Date Of Return</i>	<i>County Of Sheriff</i>

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
District Court Division - Small Claims

<i>Plaintiff(s)</i>	<p>MAGISTRATE SUMMONS</p> <p><input type="checkbox"/> ALIAS AND PLURIES SUMMONS (ASSESS FEE)</p>
VERSUS	G.S. 1A-1, Rule 4; 7A-217, -232
<i>Defendant(s)</i>	<i>Date Original Summons Issued</i>
	<i>Date(s) Subsequent Summons(es) Issued</i>
TO	TO
<i>Name And Address Of Defendant 1</i>	<i>Name And Address Of Defendant 2</i>
<i>Telephone No. Of Defendant 1</i>	<i>Telephone No. Of Defendant 2</i>



IMPORTANT! You have been sued! These papers are legal documents, DO NOT throw these papers out! You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers!

¡IMPORTANTE! ¡Se ha entablado un proceso civil en su contra! Estos papeles son documentos legales. ¡NO TIRE estos papeles! ¡Puede querer consultar con un abogado lo antes posible acerca de su caso y, de ser necesario, hablar con alguien que lea inglés y que pueda traducir estos documentos!

A Small Claim Action Has Been Commenced Against You!

You are notified to appear before the magistrate at the specified date, time, and location of trial listed below. You will have the opportunity at the trial to defend yourself against the claim stated in the attached complaint.

You may file a written answer, making defense to the claim, in the office of the Clerk of Superior Court at any time before the time set for trial.

If you fail to appear and defend against the proof offered, the magistrate may enter a judgment against you.

<i>Date Of Trial</i>	<i>Time Of Trial</i> <input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Location Of Court</i>
<i>Name And Address Of Plaintiff Or Plaintiff's Attorney</i>	<i>Date Issued</i>	
	<i>Signature</i>	
	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	

(Over)

RETURN OF SERVICE

I certify that this summons and a copy of the complaint were received and served as follows:

DEFENDANT 1

<i>Date Served</i>	<i>Time Served</i>	<input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Name Of Defendant</i>
--------------------	--------------------	---	--------------------------

- By delivering to the defendant named above a copy of the summons and complaint.
- By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein, who is named below.
- As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address Of Person With Whom Copy Left (if corporation, give title of person copy left with)

Other manner of service (*specify*)

Defendant WAS NOT served for the following reason:

DEFENDANT 2

<i>Date Served</i>	<i>Time Served</i>	<input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Name Of Defendant</i>
--------------------	--------------------	---	--------------------------

- By delivering to the defendant named above a copy of the summons and complaint.
- By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein, who is named below.
- As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address Of Person With Whom Copy Left (if corporation, give title of person copy left with)

Other manner of service (*specify*)

Defendant WAS NOT served for the following reason:

**FOR USE IN
SUMMARY
EJECTMENT
CASES ONLY:**

- Service was made by mailing by first class mail a copy of the summons and complaint to the defendant(s) and by posting a copy of the summons and complaint at the following premises:

<i>Date Served</i>	<i>Name(s) Of The Defendant(s) Served By Posting</i>
<i>Address Of Premises Where Posted</i>	

<i>Service Fee</i> \$	<i>Signature Of Deputy Sheriff Making Return</i>
--------------------------	--

<i>Date Received</i>	<i>Name Of Deputy Sheriff Making Return (type or print)</i>
----------------------	---

<i>Date Of Return</i>	<i>County Of Sheriff</i>
-----------------------	--------------------------

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice

Name And Address Of Plaintiff

**SERVICEMEMBERS CIVIL RELIEF ACT
AFFIDAVIT**

VERSUS

Name And Address Of Defendant

50 U.S.C. 3901 to 4043

NOTE: Though this form may be used in a Chapter 45 Foreclosure action, it is not a substitute for the certification that may be required by G.S. 45-21.12A.

AFFIDAVIT

I, the undersigned Affiant, under penalty of perjury declare the following to be true:

1. As of the current date: (check one of the following)

- a. I have personal knowledge that the defendant named above is in military service.*
- b. I have personal knowledge that the defendant named above is not in military service.*
- c. I am unable to determine whether the defendant named above is in military service.*

2. (check one of the following)

- a. I used the Servicemembers Civil Relief Act Website (<https://scra.dmdc.osd.mil/>) to determine the defendant's military status.
 - The results from my use of that website are attached.

(NOTE: The Servicemembers Civil Relief Act Website is a website maintained by the Department of Defense (DoD). If DoD security certificates are not installed on your computer, you may experience security alerts from your internet browser when you attempt to access the website. DoD security certificates were automatically added to the computers of all Judicial Branch users, such that these users should not expect security alerts to appear with this website after July of 2015. As of June 22, 2016, the Servicemembers Civil Relief Act Website includes the following advice: "Most web browsers don't come with the DoD certificates already installed. The best and most secure solution is for the user to install all of the DoD's public certificates in their web browser.")

- b. I have not used the Servicemembers Civil Relief Act Website and the following facts support my statement as to the defendant's military service: (State how you know the defendant is not in the military. Be specific.)

***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).

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Date

Date

Signature Of Affiant

Signature Of Person Authorized To Administer Oaths

Name Of Affiant (type or print)

- Deputy CSC Assistant CSC Clerk Of Superior Court Magistrate

SEAL

Notary

Date My Commission Expires

NOTE TO COURT: Do not proceed to enter judgment in a non-criminal case in which the defendant has not made an appearance until a Servicemembers Civil Relief Act affidavit (whether on this form or not) has been filed, and if it appears that the defendant is in military service, do not proceed to enter judgment until such time that you have appointed an attorney to represent him or her.

(Over)

Information About Servicemembers Civil Relief Act Affidavits

1. Plaintiff to file affidavit

In any civil action or proceeding, including any child custody proceeding, in which the defendant does not make an appearance, the court, before entering judgment for the plaintiff, shall require the plaintiff to file with the court an affidavit—

- (A) stating whether or not the defendant is in military service and showing necessary facts to support the affidavit; or
- (B) if the plaintiff is unable to determine whether or not the defendant is in military service, stating that the plaintiff is unable to determine whether or not the defendant is in military service.

50 U.S.C. 3931(b)(1).

2. Appointment of attorney to represent defendant in military service

If in a civil action or proceeding in which the defendant does not make an appearance it appears that the defendant is in military service, the court may not enter a judgment until after the court appoints an attorney to represent the defendant. If an attorney appointed to represent a service member cannot locate the service member, actions by the attorney in the case shall not waive any defense of the service member or otherwise bind the service member. 50 U.S.C. 3931(b)(2).

State funds are not available to pay attorneys appointed pursuant to the Servicemembers Civil Relief Act. To comply with the federal Violence Against Women Act and in consideration of G.S. 50B-2(a), 50C-2(b), and 50D-2(b), plaintiffs in Chapter 50B, Chapter 50C, and Chapter 50D proceedings should not be required to pay the costs of attorneys appointed pursuant to the Servicemembers Civil Relief Act. Plaintiffs in other types of actions and proceedings may be required to pay the costs of attorneys appointed pursuant to the Servicemembers Civil Relief Act. The allowance or disallowance of the ordering of costs will require a case-specific analysis.

3. Defendant's military status not ascertained by affidavit

If based upon the affidavits filed in such an action, the court is unable to determine whether the defendant is in military service, the court, before entering judgment, may require the plaintiff to file a bond in an amount approved by the court. If the defendant is later found to be in military service, the bond shall be available to indemnify the defendant against any loss or damage the defendant may suffer by reason of any judgment for the plaintiff against the defendant, should the judgment be set aside in whole or in part. The bond shall remain in effect until expiration of the time for appeal and setting aside of a judgment under applicable Federal or State law or regulation or under any applicable ordinance of a political subdivision of a State. The court may issue such orders or enter such judgments as the court determines necessary to protect the rights of the defendant under this Act. 50 U.S.C. 3931(b)(3).

4. Satisfaction of requirement for affidavit

The requirement for an affidavit above may be satisfied by a statement, declaration, verification, or certificate, in writing, subscribed and certified or declared to be true under penalty of perjury.

50 U.S.C. 3931(b)(4). The presiding judicial official will determine whether the submitted affidavit is sufficient.

5. Penalty for making or using false affidavit

A person who makes or uses an affidavit permitted under 50 U.S.C. 3931(b) (or a statement, declaration, verification, or certificate as authorized under 50 U.S.C. 3931(b)(4)) knowing it to be false, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both. 50 U.S.C. 3931(c).

Information About Servicemembers Civil Relief Act Affidavits

1. Plaintiff to file affidavit

In any civil action or proceeding, including any child custody proceeding, in which the defendant does not make an appearance, the court, before entering judgment for the plaintiff, shall require the plaintiff to file with the court an affidavit—

- (A) stating whether or not the defendant is in military service and showing necessary facts to support the affidavit; or
- (B) if the plaintiff is unable to determine whether or not the defendant is in military service, stating that the plaintiff is unable to determine whether or not the defendant is in military service.

50 U.S.C. 3931(b)(1).

2. Appointment of attorney to represent defendant in military service

If in a civil action or proceeding in which the defendant does not make an appearance it appears that the defendant is in military service, the court may not enter a judgment until after the court appoints an attorney to represent the defendant. If an attorney appointed to represent a service member cannot locate the service member, actions by the attorney in the case shall not waive any defense of the service member or otherwise bind the service member. 50 U.S.C. 3931(b)(2).

State funds are not available to pay attorneys appointed pursuant to the Servicemembers Civil Relief Act. To comply with the federal Violence Against Women Act and in consideration of G.S. 50B-2(a), 50C-2(b), and 50D-2(b), plaintiffs in Chapter 50B, Chapter 50C, and Chapter 50D proceedings should not be required to pay the costs of attorneys appointed pursuant to the Servicemembers Civil Relief Act. Plaintiffs in other types of actions and proceedings may be required to pay the costs of attorneys appointed pursuant to the Servicemembers Civil Relief Act. The allowance or disallowance of the ordering of costs will require a case-specific analysis.

3. Defendant's military status not ascertained by affidavit

If based upon the affidavits filed in such an action, the court is unable to determine whether the defendant is in military service, the court, before entering judgment, may require the plaintiff to file a bond in an amount approved by the court. If the defendant is later found to be in military service, the bond shall be available to indemnify the defendant against any loss or damage the defendant may suffer by reason of any judgment for the plaintiff against the defendant, should the judgment be set aside in whole or in part. The bond shall remain in effect until expiration of the time for appeal and setting aside of a judgment under applicable Federal or State law or regulation or under any applicable ordinance of a political subdivision of a State. The court may issue such orders or enter such judgments as the court determines necessary to protect the rights of the defendant under this Act. 50 U.S.C. 3931(b)(3).

4. Satisfaction of requirement for affidavit

The requirement for an affidavit above may be satisfied by a statement, declaration, verification, or certificate, in writing, subscribed and certified or declared to be true under penalty of perjury. 50 U.S.C. 3931(b)(4). The presiding judicial official will determine whether the submitted affidavit is sufficient.

5. Penalty for making or using false affidavit

A person who makes or uses an affidavit permitted under 50 U.S.C. 3931(b) (or a statement, declaration, verification, or certificate as authorized under 50 U.S.C. 3931(b)(4)) knowing it to be false, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both. 50 U.S.C. 3931(c).