

## 26<sup>th</sup> Judicial District SelfServe Center

# Small Claims: Recovery of Personal Property

DUE TO THE CHANGING NATURE OF THE LAW, the forms and instructions contained in this packet may become outdated.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.

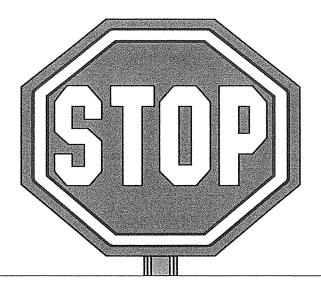
IN NO EVENT will the SelfServe Center Staff, Clerk of Court or anyone contributing to the production of these forms, instructions or guidelines be liable for any indirect or consequential damages resulting from use of the forms or information provided to you by the SelfServe Center.

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:	
	© 1999 SelfServe Center



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 RECOVERY OF PERSONAL PROPERTY)

### 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) <u>MUST</u> be a resident of Mecklenburg County. The defendant is the person or persons from whom you are attempting to recover property.
  - The Plaintiff (you) <u>MUST</u> provide a full name and address. You may provide a work address; however, a Post Office Address <u>MAY NOT</u> 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 Recover Possession of Personal Property
  - o 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

- o 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".
- o 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
- o Two (2) defendants, you will need 5 copies
- o The Magistrate summons should have the name <u>and</u> 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 <u>MUST</u> 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
  - O Website: <a href="https://www.dmdc.osd.mil/appi/scra/">https://www.dmdc.osd.mil/appi/scra/</a> 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 form via the mail instead of the form being served by the Sheriff)

## **Step Two:** Filing the Documents.

The filing fee is payable by <u>cash</u>, <u>money order</u>, <u>or credit card only</u>. 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).

o 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 <u>case</u> <u>number</u> as it should be placed in the <u>upper right hand corner</u> 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, <u>IT IS YOUR RESPONSIBILITY</u> to follow up and make sure service was completed. If you serve by certified or registered mail, <u>YOU MUST</u> 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 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 dress 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

STATE OF NORTH CAROL	INA		File No.		
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		NC Attomey Bar No.	Attomey E-Ma	il Address	
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Name Of Defendant 2		Name Of Firm			
		FAX No.			
		Counsel for All Plaintiffs All	I Defendants	Only	(List party(ies) represented)
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All filings in civil actions shall include as the first page of the filing a cover sheet summarizing the critical elements of the filing in a formal prescribed by the Administrative Office of the Courts, and the Clerk of Superior Court shall require a party to refile a filing which does not include the required cover sheet. For subsequent filings in civil actions, the filing party must either include a General Civil (AOC-CV-751), Motion (AOC-CV-752) or Court Action (AOC-CV-753) cover sheet .

-751, Rev. 6/11. © 2011 Administrative Office of the Courts

H N	DO NOT CHARGE MOTIONS FEE  Assess Costs (COST) Including Attorney's Fees (ATTY)  mplementation Of Wage Withholding In Non-IV-D Cases (OTHR)  Modification Of Child Support In IV-D Actions (MSUP)  Notice Of Dismissal With Or Without Prejudice (VOLD)  Petition To Sue As Indigent (OTHR)	
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Original - File Copy - Each Defendant Copy - Attorney/Plaintiff
(Over)

PRINT ALL EVIDENCE BEFORE YOU COME TO COURT

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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.

 The PLAINTIFF must file a small claim action in the county where at least one of the defendants resides.

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- 2. The PLAINTIFF cannot sue in small claims court to recover property worth 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 rendered in favor of the plaintiff, court costs may be charged against the defendant.

- 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.
- 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 entered, or notice may be given in writing to the Clerk of Superior Court within ten (10) days after the judgment is entered. 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 entered. A defendant who appeals also must post a bond to stay execution of the judgment within ten (10) days after the judgment is entered.
- This form is supplied in order to expedite the handling of small claims. It is designed to cover the most common claims.

Awrite) pel No.			Name And Address Of Plaintiff's Attorney	County Telephone No.		Name And Address Of Defendant 2 Individual Corporation	County Telephone No. Cama	Individual Corporation	VERSUS	County Telephone No.	Name And Address Of Plaintiff G.S. 7A-232; 25-9-609	☐ PLAINTIFF A SECURED PARTY ☐ PLAINTIFF NOT A SECURED PARTY ☐ PLAINTIFF NOT A SECURED PARTY ☐ Description	.		STJ
name Of Plaintiff Or Attorney (type or print)			Date Defendant Wrongfully Took Or Kept Property			בפטרושיטורטר רפואטרומן רוטשפונץ דטם טאוז איזווכיז Is in rossession Of Delendant		The defendant is a resident of the county named above. The defendant has in his/her possession the personal property described below which belongs to me. I am entitled to immediate possession of the but the defendant has refused on demand to deliver it to me. The defendant has unlawfully kept poss of this property since the date listed below and has therefore deprived me of its use. The damage due the loss of use and physical damage to the property is set out below. I demand recovery of this property is set out below.	WHEN PLAINTIFF I		давере до вести дента в пред даверения в даверения в пред даверения в пред даверения в пред даверения в пред д	described in the attached security agreement. The total current value of this property is as shown below defendant has defaulted in the payment of the debt which the property secures or has otherwise breauthe terms of the security agreement giving me the right to claim immediate possession of the property described below. I demand recovery of this property and reimbursement for court costs.	defendant is a resident of the county named above	County	STATE OF NORTH CAROLINA
Signature Of Plaintiff Or Aftorney	Total Amount Of Damages \$	Physical Damage To Property \$	Damage Due For Loss Of Use \$		€9	int   Total Value Of Property   To Be Recovered		The defendant is a resident of the county named above. The defendant has in his/her possession the personal property described below which belongs to me. I am entitled to immediate possession of the property, but the defendant has refused on demand to deliver it to me. The defendant has unlawfully kept possession of this property since the date listed below and has therefore deprived me of its use. The damage due me for the loss of use and physical damage to the property is set out below. I demand recovery of this property and	WHEN PLAINTIFF IS NOT A SECURED PARTY	Signature Of Plaintiff Or Attorney	To Be Recovered  \$	is property is as sures or has other possession of the court costs.	WHEN PLAINTIFF IS A SECURED PARTY  The defendant is a resident of the county named above I have a security interact in the necessary.	In The General Court Of Justice District Court Division - Small Claims	

Original - File Copy - Each Defendant Copy - Attorney/Plaintiff
(Over)
ELECTRONIC EVIDENCE IS NOT ACCEPTED IN SMALL CLAIMS COLDEN.
PRINT ALL EVIDENCE BEFORE YOU COME TO COLDEN.

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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

 The PLAINTIFF must file a small claim action in the county where at least one of the defendants resides.

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- 2. The PLAINTIFF cannot sue in small claims court to recover property worth 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 <u>prepare and file</u> 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.
- The PLAINTIFF must pay advance court costs at the time of filing this Complaint. In the event that judgment is rendered in favor of the plaintiff, court costs may be charged against the defendant.

- 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.
- 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 entered, or notice may be given in writing to the Clerk of Superior Court within ten (10) days after the judgment is entered. 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 entered. A defendant who appeals also must post a bond to stay execution of the judgment within ten (10) days after the judgment is entered.
- This form is supplied in order to expedite the handling of small claims. It is designed to cover the most common claims.

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Signature Of Plaintiff Of Attomey	
Tota	Attorney Bas No
Physical Damage To Property \$	
Damage Due For Loss Of Use \$	Name And Address Of Plaintiff's Attorney
	County Telephone No.
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	Name And Address Of Defendant 2 Individual Corporation
Description Of Personal Property You Own Which Is In Possession Of Defendant  Total Value Of Property	taiapriotia ivo.
but the defendant has refused on demand to deliver it to me. The defendant has unlawfully kept possession of the property, but the defendant has refused on demand to deliver it to me. The defendant has unlawfully kept possession of this property since the date listed below and has therefore deprived me of its use. The damage due me for the loss of use and physical damage to the property is set out below. I demand recovery of this property and damages in the total amount set out below plus interest and reimbursement for court costs.	County Telephone No
The defendant is a resident of the county named above. The defendant has in his/her possession the	Name And Address Of Defendant 1 Individual Corporation
WHEN PLAINTIFF IS NOT A SECURED PARTY	VERSILS
Signature Of Plaintiff Or Attorney	County Telephone No.
	Name And Address Of Plaintiff
Description Of Personal Property In Which You Have A Secured Interest (attach copy of security agreement)  Total Value Of Property To Be Recovered	
described in the attached security agreement. The total current value of this property is as shown below. The defendant has defaulted in the payment of the debt which the property secures or has otherwise breached the terms of the security agreement giving me the right to claim immediate possession of the property described below. I demand recovery of this property and reimbursement for court costs.	☐ PLAINTIFF A SECURED PARTY ☐ PLAINTIFF NOT A SECURED PARTY
The defendant is a resident of the county named above. I have a security interest in the personal property.	TO RECOVER POSSESSION
In The General Court Of Justice  District Court Division - Small Claims	
STATE OF NORTH CAROLINA	File No.

AOC-CVM-202, Rev. 8/17 © 2017 Administrative Office of the Courts

Original - File Copy - Each Defendant Copy - Attorney/Plaintiff
(Over)

PRINT ALL EVIDENCE IS NOT ACCEPTED IN SWALL CLAIMS COURT

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.

 The PLAINTIFF must file a small claim action in the county where at least one of the defendants resides.

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- This form is supplied in order to expedite the handling of small claims. It is designed to cover the most common claims.

Signature Of Plaintiff Or Attorney	Date Name Of Plaintiff Or Attorney (type or print)	Attorney Bar No.
Total Amount Of Damages \$		
Physical Damage To Property \$		
Damage Due For Loss Of Use \$	uate belendant wrongillily look Or Kept Property	Name And Address Of Plaintiff's Attorney
	Des Description (Manual Manual	County Telephone No.
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To Be Recovered		Name And Address Of Defendant 2 Individual Corporation
t and reimbursement for court costs.	Description Of Personal Property You Own Which Is In Passession Of Defendant	County Telephone No.
but the defendant has refused on demand to deliver it to me. The defendant has unlawfully kept possession of this property since the date listed below and has therefore deprived me of its use. The damage due me for the loss of use and physical damage to the property is set out below. I demand recovery of this property and	but the defendant has refused on demand to deliver of this property since the date listed below and has the loss of use and physical damage to the property	
The defendant is a resident of the county named above. The defendant has in his/her possession the	The defendant is a resident of the county named ab	Name And Address Of Defendant 1 Individual Corporation
AINTIFF IS NOT A SECURED PARTY	WHEN PLAINTIF	VERSUS
Signature Of Plaintiff Or Attorney	Cold	County Telephone No.
· •		
ttach copy of security agreement) To Be Recovered	Description Of Personal Property In Which You Have A Secured Interest (attach copy of security agreement)	G.S. 7A-232: 25-9-609
defendant has defaulted in the payment of the debt which the property secures or has otherwise breached the terms of the security agreement giving me the right to claim immediate possession of the property described below. I demand recovery of this property and reimbursement for court costs.	defendant has defaulted in the payment of the debt which the property secures or has otherwise break the terms of the security agreement giving me the right to claim immediate possession of the property described below. I demand recovery of this property and reimbursement for court costs.	☐ PLAINTIFF A SECURED PARTY ☐ PLAINTIFF NOT A SECURED PARTY
The defendant is a resident of the county named above. I have a security interest in the personal property described in the attached security agreement. The total current value of this property is as shown below. The	The defendant is a resident of the county named at described in the attached security agreement. The t	OF PERSONAL PROPERTY
PLAINTIFF IS A SECURED PARTY	WHEN PLAIN?	COMPLAINT
In The General Court Of Justice District Court Division - Small Claims	County	
	STATE OF NORTH CAROLINA	File No.

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Original - File Copy - Each Defendant Copy - Attorney/Plaintiff
(Over)

PRINT ALL EVIDENCE BEFORE YOU COME TO COURT

The Contraction

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.

- 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 to recover property worth 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 <u>prepare and file</u> 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 rendered 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.
- 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 entered, or notice may be given in writing to the Clerk of Superior Court within ten (10) days after the judgment is entered. 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 entered. A defendant who appeals also must post a bond to stay execution of the judgment within ten (10) days after the judgment is entered.
- This form is supplied in order to expedite the handling of small claims. It is designed to cover the most common claims.

	Attorney Rer No		Name And Address Of Plaintiff's Attorney	County Telephone No.		Name And Address Of Defendant 2   Individual   Corporation	County Telephone No. aamages In I	Individual Corporation	SUS	County Telephone No.	G.S. 7A-232; 25-9-609 Name And Address Of Plaintiff	TO RECOVER POSSESSION OF PERSONAL PROPERTY PLAINTIFF A SECURED PARTY PLAINTIFF NOT A SECURED PARTY Describition of Person		
Signature Of Flamilli Of Attorney	Tota	Physical Damage To Property \$	Date Defendant Wrongfully Took Or Kept Property  Damage Due For Loss Of Use		· ·	To Be Recovered	us interest and reimbursement for court costs.	personal property described below which belongs to me. I am entitled to immediate possession of the property, but the defendant has refused on demand to deliver it to me. The defendant has unlawfully kept possession of this property since the date listed below and has therefore deprived me of its use. The damage due me for the loss of use and physical damage to the property is set out below. I demand recovery of this property and	WHEN PLAINTIFF IS NOT A SECURED PARTY	Signature Of Plaintiff Or Attorney	To Be Recovered	The defendant is a resident of the county named above. I have a security interest in the personal property described in the attached security agreement. The total current value of this property is as shown below. The defendant has defaulted in the payment of the debt which the property secures or has otherwise breached the terms of the security agreement giving me the right to claim immediate possession of the property described below. I demand recovery of this property and reimbursement for court costs.	In The General Court Of Justice District Court Division - Small Claims	

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Original - File Copy - Each Defendant Copy - Attorney/Plaintiff

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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.

- 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 to recover property worth 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 rendered 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.
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- This form is supplied in order to expedite the handling of small claims. It is designed to cover the most common claims.

Signature Of Plaintiff Or Attorney	Date Name Of Plaintiff Or Attorney (type or print)	Attorney Bar No.
Total Amount Of Damages \$		
Physical Damage To Property \$		
Damage Due For Loss Of Use	Paid Paiding Monthly took of Nebt Library	Name And Address Of Plaintiff's Attomey
	Date Defendant Woodfilly Took Or Kent Broods	County Telephone No.
€9		
ndant To tal Value Of Property To Be Recovered	Description Of Personal Property You Own Which Is In Possession Of Defendant	Name And Address Of Defendant 2 Individual Corporation
erest and reimbursement for court costs.	damages in the total amount set out below, plus interest and reimbursement for court costs	County Telephone No.
but the defendant has refused on demand to deliver it to me. The defendant has unlawfully kept possession of this property since the date listed below and has therefore deprived me of its use. The damage due me for the loss of use and physical damage to the property is set out below. I demand recovery of this property and	but the defendant has refused on demand to deliver of this property since the date listed below and has the loss of use and physical damage to the property	
nove. The defendant has in his/her possession the	The defendant is a resident of the county named above. The defendant has in his/her possession the	Name And Address Of Defendant 1 Individual Corporation
F IS NOT A SECURED PARTY	WHEN PLAINTIFF IS	VEDOID
eignature of Familia of Autorites		County Telephone No.
Signature Of Plaintiff Or Attorney	Date	
↔		Name And Address Of Plaintiff
ttach copy of security agreement)  To Be Recovered	Description Of Personal Property in Which You Have A Secured Interest (attach copy of security agreement)	G.S. 7A-232; 25-9-609
defendant has defaulted in the payment of the debt which the property secures or has otherwise breached the terms of the security agreement giving me the right to claim immediate possession of the property described below. I demand recovery of this property and reimbursement for court costs.	defendant has defaulted in the payment of the debt which the property secures or has otherwise breather the terms of the security agreement giving me the right to claim immediate possession of the property described below. I demand recovery of this property and reimbursement for court costs.	☐ PLAINTIFF A SECURED PARTY ☐ PLAINTIFF NOT A SECURED PARTY
The defendant is a resident of the county named above. I have a security interest in the personal property described in the attached security agreement. The total current value of this property is as shown below. The	The defendant is a resident of the county named at described in the attached security agreement. The t	OF PERSONAL PROPERTY
TIFF IS A SECURED PARTY	WHEN PLAINTIFF	COMPLAINT
In The General Court Of Justice District Court Division - Small Claims	County	
	STATE OF NORTH CAROLINA	File No.

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Original - File Copy - Each Defendant Copy - Attorney/Plaintiff
(Over)

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PRINT ALL EVIDENCE BEFORE YOU COME TO COMMIT

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.

 The PLAINTIFF must file a small claim action in the county where at least one of the defendants resides.

<u>တ</u>

- 2. The PLAINTIFF cannot sue in small claims court to recover property worth 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 <u>prepare and file</u> 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.
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- 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.
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- This form is supplied in order to expedite the handling of small claims. It is designed to cover the most common claims.

STATE OF NORTH O	AROLINA	File No.
	County	In The General Court Of Justice District Court Division - Small Claims
Plaintiff(s)		
		MAGISTRATE SUMMONS
		ALIAS AND PLURIES SUMMONS (ASSESS FEE)
VER	SUS	G.S. 1A-1, Rule 4; 7A-217, -232
Defendant(s)		Date Original Summons Issued
		Date(s) Subsequent Summons(es) Issued
7		
ТО		то
Name And Address Of Defendant 1	The state of the s	Name And Address Of Defendant 2
Telephone No. Of Defendant 1		Telephone No. Of Defendant 2
You may want to to someone who rea ¡IMPORTANTE! ¡S ¡NO TIRE estos pa ¡Puede querer con	alk with a lawyer about yo ds English and can trans e ha entablado un proces apeles!	o civil en su contra! Estos papeles son documentos legales.
A Small Claim Action Has Been (	Commenced Against You!	•
You are notified to appear before that the trial to defend yourself again	ne magistrate at the specified on the claim stated in the attact	date, time, and location of trial listed below. You will have the opportunity hed complaint.
You may file a written answer, mak trial.	ng defense to the claim, in the	e office of the Clerk of Superior Court at any time before the time set for
If you fail to appear and defend aga	inst the proof offered, the mag	gistrate may enter a judgment against you.
ate Of Trial	Time Of Trial	Location Of Court
ame And Address Of Plaintiff Or Plaintiff's At		Date Issued
		Cinatus
		Signature
		Deputy CSC Assistant CSC Clerk Of Superior Court

			RE"	TURN C	OF SERVICE	
I certify that this	s summons and	d a copy of the co			ed and served as fo	illows:
2-1-0		1		DEFEN	IDANT 1	
Date Served		Time Served	МА	□РМ	Name Of Defendant	
☐ By delivering	g to the defend	ant named above	a copy of the	he summ	nons and complaint	
By leaving a person of su	copy of the suitable age and	ımmons and comp discretion then re	olaint at the	dwelling	house or usual pla	ace of abode of the defendant named above with a
I						summons and complaint to the person named
Name And Address O	f Person With Who	m Copy Left (if corpora	tion, give title o	of person co	opy left with)	
Other manne	er of service (sp	pecify)				
☐ Defendant W	AS NOT serve	d for the following	reason:	<del></del>	•	
****	***************************************		r	DEFEND	DANT 2	
Date Served		Time Served	p		Name Of Defendant	
	<u> </u>		b-	PM _		
					ns and complaint.	
person of suit	copy of the suntable age and c	nmons and compli liscretion then res	aint at the d iding thereir	lwelling h n, who is	ouse or usual plac named below.	e of abode of the defendant named above with a
As the defend						mmons and complaint to the person named
below. Name And Address Of F						
		,,	, 3 2. ,	paraun oop	y ion many	
		*****				
Other manner	of service (spe	cify)				
Defendant WA	S NOT served	for the following r	Ascon.	······································		
	.01101 001100	for the following t	eason.			
	T					
FOR USE IN	Service by postir	was made by mail	ing by first o	class ma d compla	il a copy of the sun int at the following	nmons and complaint to the defendant(s) and
SUMMARY EJECTMENT	Date Served	Nam	e(s) Of The De	fendant(s)	Served By Posting	premises.
CASES ONLY:	Address Of Prem	ises Where Posted				,
ervice Fee				Sic	gnature Of Deputy Sheri	ff Making Return
nte Received						•
ic Neceived				Na	me Of Deputy Sheriff M	aking Return (type or print)
ate Of Return				Co	unty 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	ТО
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 You may want to talk with a lawyer about someone who reads English and can tran ¡IMPORTANTE! ¡Se ha entablado un proc ¡NO TIRE estos papeles!	e papers are legal documents, DO NOT throw these papers out! t your case as soon as possible, and, if needed, speak with nslate these papers! ceso civil en su contra! Estos papeles son documentos legales. to lo antes posible acerca de su caso y, de ser necesario, hablar
IMPORTANT! You have been sued! These You may want to talk with a lawyer about someone who reads English and can trar ¡IMPORTANTE! ¡Se ha entablado un proc ¡NO TIRE estos papeles! ¡Puede querer consultar con un abogado con alguien que lea inglés y que pueda tr	e papers are legal documents, DO NOT throw these papers out! t your case as soon as possible, and, if needed, speak with inslate these papers! ceso civil en su contra! Estos papeles son documentos legales. In lo antes posible acerca de su caso y, de ser necesario, hablar raducir estos documentos!
IMPORTANT! You have been sued! These You may want to talk with a lawyer about someone who reads English and can tran ¡IMPORTANTE! ¡Se ha entablado un proc ¡NO TIRE estos papeles! ¡Puede querer consultar con un abogado con alguien que lea inglés y que pueda tr	e papers are legal documents, DO NOT throw these papers out! t your case as soon as possible, and, if needed, speak with inslate these papers! eso civil en su contra! Estos papeles son documentos legales. It lo antes posible acerca de su caso y, de ser necesario, hablar raducir estos documentos!
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IMPORTANT! You have been sued! These You may want to talk with a lawyer about someone who reads English and can tran important	e papers are legal documents, DO NOT throw these papers out! t your case as soon as possible, and, if needed, speak with inslate these papers!  ceso civil en su contra! Estos papeles son documentos legales.  I lo antes posible acerca de su caso y, de ser necesario, hablar raducir estos documentos!  I d date, time, and location of trial listed below. You will have the opportunity ached complaint.  I the office of the Clerk of Superior Court at any time before the time set for magistrate may enter a judgment against you.  Location Of Court
IMPORTANT! You have been sued! These You may want to talk with a lawyer about someone who reads English and can trar iMPORTANTE! iSe ha entablado un proc iNO TIRE estos papeles! iPuede querer consultar con un abogado con alguien que lea inglés y que pueda tra A Small Claim Action Has Been Commenced Against You! You are notified to appear before the magistrate at the specifier at the trial to defend yourself against the claim stated in the attact of the trial to defend yourself against the proof offered, the magnetic of the specifier at the trial to appear and defend against the proof offered, the magnetic of the specifier at the of the specifier at the trial to appear and defend against the proof offered, the magnetic of the specifier at the specifier at the trial to appear and defend against the proof offered, the magnetic of the specifier at the specifier at the trial to appear and defend against the proof offered, the magnetic of the specifier at the specifier at the specifier at the trial to defend against the proof offered, the magnetic of the specifier at the specifier at the trial to defend against the proof offered, the magnetic of the specifier at the specifier at the specifier at the specifier at the trial to defend yourself against the claim stated in the attack.	e papers are legal documents, DO NOT throw these papers out! t your case as soon as possible, and, if needed, speak with inslate these papers!  ceso civil en su contra! Estos papeles son documentos legales.  I lo antes posible acerca de su caso y, de ser necesario, hablar raducir estos documentos!  I d date, time, and location of trial listed below. You will have the opportunity ached complaint.  I the office of the Clerk of Superior Court at any time before the time set for magistrate may enter a judgment against you.  Location Of Court
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		RETUR	N OF SERVICE		
I certify that this	summons and a copy of the			follows:	
		DEF	ENDANT 1		
Date Served	Time Served	AM P	Name Of Defendant		
☐ By delivering	g to the defendant named ab	ove a copy of the sui	mmons and complain	nt.	
By leaving a person of su	copy of the summons and citable age and discretion the	complaint at the dwell on residing therein, wl	ing house or usual p no is named below.	lace of abode of the defendant named above with	
As the defendelow.	dant is a corporation, servic	e was effected by del	ivering a copy of the	summons and complaint to the person named	
Name And Address Of	Person With Whom Copy Left (if co	rporation, give title of perso	n copy left with)		
Other manne	r of service (specify)				
<b>******</b>					
☐ Defendant W.	AS NOT served for the follow	wing reason:		•	
		DEFE	NDANT 2		
Date Served	Time Served	Пам Прм	Name Of Defendant		
C D. J. C. C.					
	to the defendant named abo				
person of suit	able age and discretion ther	implaint at the dwellin i residing therein, who	ig house or usual pla o is named below.	ace of abode of the defendant named above with a	
As the defend				summons and complaint to the person named	
below.	Person With Whom Copy Left (if corp				
	, , , , ,	gradul	copy ion many		
Other manner	of service (specify)				
Defendant IVA	CNOT				
☐ Delendant wA	S NOT served for the follow	ing reason:			
	Service was made by	mailing by first class	mail a copy of the su	ummons and complaint to the defendant(s) and	
FOR USE IN SUMMARY	by posting a copy of the Date Served	ne summons and com	iplaint at the followin	ng premises:	
EJECTMENT	Date Served Name(s) Of The Defendant(s) Served By Posting				
CASES ONLY:	Address Of Premises Where Poste	ed			
ervice Fee	L		Signature Of Deputy Sh	eriff Making Return	
ate Received					
			Name Of Deputy Sheriff	Making Return (type or print)	
ate 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)
VED	elle	
VER Defendant(s)	202	G.S. 1A-1, Rule 4; 7A-217, -232  Date Original Summons Issued
•		
		Date(s) Subsequent Summons(es) Issued
TO		то
Name And Address Of Defendant 1		Name And Address Of Defendant 2
Tomor mariados de Bolondana		Name And Address Of Defendant 2
•		
Telephone No. Of Defendant 1		Telephone No. Of Defendant 2
You may want to a someone who rea iMPORTANTE! iS iNO TIRE estos pail iPuede querer con	talk with a lawyer about you ds English and can translat e ha entablado un proceso apeles!	civil en su contra! Estos papeles son documentos legales.
A Small Claim Action Has Been (	Commenced Against You!	•
	ne magistrate at the specified dat	e, time, and location of trial listed below. You will have the opportunity d complaint.
You may file a written answer, mak trial.	ing defense to the claim, in the of	ffice of the Clerk of Superior Court at any time before the time set for
If you fail to appear and defend aga	inst the proof offered, the magist	rate may enter a judgment against you.
ate Of Trial	Time Of Trial	Location Of Court
ame And Address Of Plaintiff Or Plaintiff's At	lomey	Date Issued
		Circles
		Signature
		Deputy CSC Assistant CSC Clerk Of Superior Court
		J

<del></del>					
			RETUR	RN OF SERVICE	
I certify that this	summons an	d a copy of the comp	laint were red	ceived and served as f	follows:
			DE	FENDANT 1	
Date Served		Time Served	AM	Name Of Defendant	
☐ By delivering	to the defend	dant named above a	copy of the s	ummons and complair	nt.
By leaving a person of sui	copy of the si table age and	ummons and complain discretion then resident	int at the dwe	elling house or usual p who is named below.	lace of abode of the defendant named above with a
As the defend below.	dant is a corp	oration, service was	effected by d	elivering a copy of the	summons and complaint to the person named
Name And Address Of	Person With Who	om Copy Left (if corporation	, give title of per	son copy left with)	
		10-4-4-4	And Andrews and An		
U Other manner	r of service <i>(s</i>	pecify)			
☐ Defendant W/	AS NOT serve	ed for the following re	ason:		
	10 110 1 0011	od for the following fe	.43011.	•	
			DEF	ENDANT 2	
Date Served		Time Served	□ АМ □Р	Name Of Defendant M	
☐ By delivering t	o the defenda	ant named above a c	ony of the su	l mmons and complain	· · · · · · · · · · · · · · · · · · ·
☐ By leaving a c	opy of the su		nt at the dwel	ling house or usual pla	ace of abode of the defendant named above with a
As the defenda	ant is a corpo	ration, service was e	ffected by de	livering a copy of the	summons and complaint to the person named
	erson With Whor	n Copy Left (if corporation,	give title of pers	on copy left with)	
		***************************************			
Other manner	of service (sp	ecify)			
Defendant WA	S NOT conto	d for the following rea	20001		
belefidalit vvA	O NOT Serve	a for the following rea	15011.		
	Tm		**************************************		
FOR USE IN	by post	was made by mailing a copy of the sun	g by first clas nmons and co	s mail a copy of the so complaint at the followir	ummons and complaint to the defendant(s) and ng premises:
SUMMARY EJECTMENT	Date Served			lant(s) Served By Posting	•
CASES ONLY:	Address Of Pre	mises Where Posted			The state of the s
ervice Fee			***************************************	I Signature Of St. 1 51	
CINIOS I GG				Signature Of Deputy Sh	епп макіng Return
ate Received				Name Of Deputy Sherifi	f Making Return (type or print)
ate 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	ТО
Name And Address Of Defendant 1	Name And Address Of Defendant 2
Telephone No. Of Defendant 1	Telephone No. Of Defendant 2
You may want to talk with a lawyer about you someone who reads English and can transle iMPORTANTE! iSe ha entablado un proceso iNO TIRE estos papeles! iPuede querer consultar con un abogado lo con alguien que lea inglés y que pueda trad A Small Claim Action Has Been Commenced Against You!	o civil en su contra! Estos papeles son documentos legales.  antes posible acerca de su caso y, de ser necesario, hablar ucir estos documentos!
You are notified to appear before the magistrate at the specified dat the trial to defend yourself against the claim stated in the attach	ate, time, and location of trial listed below. You will have the opportunity ed complaint.
You may file a written answer, making defense to the claim, in the trial.	office of the Clerk of Superior Court at any time before the time set for
If you fail to appear and defend against the proof offered, the magi	strate may enter a judgment against you.
Date Of Trial  Time Of Trial  AM PM	Location Of Court
lame And Address Of Plaintiff Or Plaintiff's Attorney	Date Issued
	Signature
	Deputy CSC Assistant CSC Clerk Of Superior Court

		RETU	RN OF SERVICE	
I certify that this	summons and a co	py of the complaint were re	eceived and served as for	ollows:
5			FENDANT 1	
Date Served	Time S	Served AM	PM Name Of Defendant	
By delivering	g to the defendant na	amed above a copy of the	summons and complain	t.
By leaving a person of su	copy of the summor	ns and complaint at the dw etion then residing therein,	elling house or usual pla who is named below.	ace of abode of the defendant named above with
As the defer below.	idant is a corporation	ı, service was effected by o	delivering a copy of the	summons and complaint to the person named
Name And Address O	Person With Whom Copy	Left (if corporation, give title of pe	rson copy left with)	
Other manne	er of service (specify)			
☐ Defendant W	AS NOT served for t	he following reason:		-
		ĎEI	FENDANT 2	
Date Served	Time Se		Name Of Defendant	
Du doliverina	to the defendant			
		med above a copy of the su		
person of suit	copy of the summons able age and discret	s and complaint at the dwe ion then residing therein, w	lling house or usual plac vho is named below.	ce of abode of the defendant named above with a
As the defend				ummons and complaint to the person named
below.		eft (if corporation, give title of pers		,
ionie / ina / idal eds O/ /	erson with whom copy t	en (ii corporation, give title of pers	son copy left with)	
Other manner	of service (specify)			
Defendant WA	S NOT served for th	e following reason:		
	T			
FOR USE IN	Service was m	nade by mailing by first class	ss mail a copy of the sur	nmons and complaint to the defendant(s) and
SUMMARY	Date Served	opy of the summons and co	omplaint at the following dant(s) Served By Posting	g premises:
EJECTMENT				
CASES ONLY:	Address Of Premises WI	nere Posted		
rvice Fee			Signature Of Deputy Sher	riff Making Return
ile Received			Name Of Deputy Sheriff N	Making Return (type or print)
ite Of Return				,
no or notarri			County Of Sheriff	

STATE OF NORTH O	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)
VER	SUS	G.S. 1A-1, Rule 4; 7A-217, -232
Defendant(s)		Date Original Summons Issued
		Date(s) Subsequent Summons(es) Issued
,		
TO		10
		ТО
Name And Address Of Defendant 1		Name And Address Of Defendant 2
·		
,		
Telephone No. Of Defendant 1		Telephone No. Of Defendant 2
You may want to to someone who rea iMPORTANTE! iS iNO TIRE estos pai Puede querer cor	alk with a lawyer about yo ds English and can transla e ha entablado un procesc peles!	civil en su contra! Estos papeles son documentos legales.
A Small Claim Action Has Been (		•
	e magistrate at the specified da	ite, time, and location of trial listed below. You will have the opportunity ed complaint.
You may file a written answer, maki trial.	ng defense to the claim, in the c	office of the Clerk of Superior Court at any time before the time set for
If you fail to appear and defend aga	inst the proof offered, the magis	strate may enter a judgment against you.
ate Of Trial	Time Of Trial	Location Of Court
ame And Address Of Plaintiff Or Plaintiff's Att	tourid beaut	Date Issued
		Signature
		Deputy CSC Assistant CSC Clerk Of Superior Court

				THENNE	NE OFFILIAF	
L certify that this	cummone an	d a copy of the o	A-10-25-0-1		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			Name Of Defendant	
		<u> </u>		РМ		
l	· ·				nons and complain	
By leaving a person of sui	copy of the su table age and	ummons and cor I discretion then	mplaint at the residing ther	e dwelling ein, who	house or usual pli is named below.	ace of abode of the defendant named above with a
below.						summons and complaint to the person named
Name And Address Of	Person With Who	m Copy Left (if corpo	oration, give title	of person c	opy left with)	
Other manner	r of service (s <sub>i</sub>	pecify)				
Defendant W	AC NOT see to	ad for the followin				
Delendant w/	42 NOT SELVE	ed for the following	ng reason:			•
				DEFENI	DANT 2	
Date Served		Time Served	Пам	ПРМ	Name Of Defendant	
					ons and complaint	
person of suita	opy of the sui able age and	mmons and com discretion then re	iplaint at the esiding there	dwelling l ein, who is	house or usual pla s named below.	ce of abode of the defendant named above with a
			_			summons and complaint to the person named
below.						· · ·
Name And Address Of P	erson With Whon	า Copy Lett (If corpor	ration, give title d	of person co	oy left with)	
Other manner	of convice (on	ocife)				
Other manner	or service (sp	еспу)				
☐ Defendant WA	S NOT serve	d for the following	u rescon.			
	01101 00170	J 101 tito tollowing	g reason.			
	Service	was made by m	nailing by firs	t class ma	ail a copy of the su	ummons and complaint to the defendant(s) and
FOR USE IN SUMMARY	by post	by posting a copy of the summons and complaint at the following premises:				
EJECTMENT	Date Served	1/4	iame(s) Or rne l	Detendant(s,	Served By Posting	
CASES ONLY:	Address Of Prei	mises Where Posted				
Service Fee				Ta	Signature Of Deputy Sh	oriff Moline Debut
\$					ignature Of Deputy Sho	erin manny Retutii
ate Received				1	lame Of Deputy Sheriff	Making Return (type or print)
ate Of Return County Of Sheriff						

STATE OF NORTH C	AROLINA	File No.
	County	In The General Court Of Justice District Court Division - Small Claims
Plaintiff(s)		
		MAGISTRATE SUMMONS
	•	ALIAS AND PLURIES SUMMONS (ASSESS FEE)
		LI ALIAS AND FLORIES SOMMONS (ASSESS FLE)
VERS	US	G.S. 1A-1, Rule 4; 7A-217, -232
Defendant(s)		Date Original Summons Issued
		Data(a) Cuba and Curan (a) Union
		Date(s) Subsequent Summons(es) Issued
7	W. N. C.	
TO		ТО
Name And Address Of Defendant 1		Name And Address Of Defendant 2
Telephone No. Of Defendant 1		Telephone No. Of Defendant 2
You may want to ta someone who read ¡IMPORTANTE! ¡Se ¡NO TIRE estos par ¡Puede querer cons	lk with a lawyer about you s English and can trans ha entablado un proces peles! sultar con un abogado lo	apers are legal documents, DO NOT throw these papers out! our case as soon as possible, and, if needed, speak with late these papers! to civil en su contra! Estos papeles son documentos legales. In antes posible acerca de su caso y, de ser necesario, hablar ducir estos documentos!
A Small Claim Action Has Been Co		•
	magistrate at the specified of	late, time, and location of trial listed below. You will have the opportunity ned complaint.
You may file a written answer, makin trial.	g defense to the claim, in the	office of the Clerk of Superior Court at any time before the time set for
If you fail to appear and defend again	nst the proof offered, the mad	istrate may enter a judgment against you.
	ime Of Trial	Location Of Court
	AM PM	
lame And Address Of Plaintiff Or Plaintiff's Attor	ney	Date Issued
		Signature
		- in the second
		Deputy CSC Assistant CSC Clerk Of Superior Court

			RN OF SERVICE	
I certify that thi	s summons and a copy of th	e complaint were re	ceived and served as f	follows:
Date Served	<u> </u>	DE	FENDANT 1	
Date derved	Time Served	AM	Name Of Defendant PM	
☐ By delivering	g to the defendant named a	bove a copy of the s	ummons and complair	nt.
By leaving	a copy of the summons and uitable age and discretion the	complaint at the dwe	elling house or usual pl	lace of abode of the defendant named above with
As the defe	ndant is a corporation, servi	ce was effected by d	elivering a copy of the	summons and complaint to the person named
Name And Address C	of Person With Whom Copy Left (if co	orporation, give title of per	son copy left with)	
:				
•				
	r			
U Other mann	er of service (specify)			
□ Defendant W	/AS NOT served for the follo	wing reason:		•
			***************************************	
Date Served	Time Served	DEF	ENDANT 2  Name Of Defendant	
		AM P		
By delivering	to the defendant named abo	ove a copy of the sur	mmons and complaint	
By leaving a	copy of the summons and co	omplaint at the dwell	ing house or usual pla	ce of abode of the defendant named above with a
p	able age and discretion their	rresiding merein, wi	to is named below.	
As the defend below.	lant is a corporation, service	was effected by del	ivering a copy of the s	ummons and complaint to the person named
	Person With Whom Copy Left (if corp			•
		, 0	··· copy ion many	
				,
				,
Other manner	of service (specify)			
	(opcony)			
Defendant WA	S NOT served for the follow	ing reacon:		
	to the region of the follow	ing reason.		
	Service was made by	mailing by first class	mail a serve fill	
FOR USE IN	by posting a copy of the	ne summons and co	mplaint at the following	mmons and complaint to the defendant(s) and
SUMMARY EJECTMENT	Date Served	Name(s) Of The Defenda	nt(s) Served By Posting	
CASES ONLY:	Address Of Premises Where Poste	ed		
rvice Fee			Signature Of Deputy Sher	riff Making Return
te Received			Name Of Donate Ob - '''	Islian Dalam (I
			Name Of Deputy Sheriff N	flaking Return (type or print)
te Of Return			County Of Sheriff	
			•	

STATE OF NORTH CAROLINA	File No.
County	In The General Court Of Justice
Name And Address Of Plaintiff	
VERSUS	SERVICEMEMBERS CIVIL RELIEF ACT AFFIDAVIT
Name And Address Of Defendant	ALLIDAVII
	50 U.S.C. 3901 to 4043
	is not a substitute for the certification that may be required by G.S. 45-21.12A
I, the undersigned Affiant, under penalty of perjury declare the f	DAVIT
☐ The results from my use of that website are attached.  (NOTE: The Servicemembers Civil Relief Act Website is a web certificates are not installed on your computer, you may experie the website. DoD security certificates were automatically added not expect security alerts to appear with this website after July of the security alerts to appear with this website.	os://scra.dmdc.osd.mil/) to determine the defendant's military status.  It is is it maintained by the Department of Defense (DoD). If DoD security once security alerts from your internet browser when you attempt to access to the computers of all Judicial Branch users, such that these users should of 2015. As of June 22, 2016, the Servicemembers Civil Relief Act Website with the DoD certificates already installed. The best and most secure solution or web browser.")  It is a security alerts from your internet browser when you attempt to access to the best and most secure solution or web browser."
for a period of more than 30 consecutive days for purposes of resp	call to active service authorized by the President or the Secretary of Defense onding to a national emergency; active service as a commissioned officer of eric Administration; any period of service during which a servicemember is
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	
is in military service, do not proceed to enter judgr him or her.	I case in which the defendant has not made an appearance until a on this form or not) has been filed, and if it appears that the defendant ment until such time that you have appointed an attorney to represent

AOC-G-250, Rev. 2/18 © 2018 Administrative Office of the Courts

### 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).

STATE OF I	NORTH CAROLINA	File No.		
	County	In The General Court Of Justice ☐ District ☐ Superior Court Division		
Name Of Plainliff(s)		AFFIDAVIT OF SERVICE OF PROCESS BY  ☐ REGISTERED MAIL		
	VERSUS	CERTIFIED MAIL		
Name Of Defendant		DESIGNATED DELIVERY SERVICE  G.S. 1-75.10(a)(5), (a)(6); 1A-1, Rule 4(j2)		
•	designated delivery service (deli	equested),		
•	•			
received by the def		ove listed other document(s) <i>(check, if applicable)</i> were in fact , as evidenced by the attached original receipt. this affidavit.)		
SWORN/AFFIRM	ED AND SUBSCRIBED TO BEFORE ME	Signature Of Plaintiff/Attorney		
Date	Signature Of Person Authorized To Administer Oaths	Name (type or print)		
Title Of Person Authorized	To Administer Oaths			
Notary	Date My Commission Expires			
SEAL	County Where Notarized			