

26th Judicial District SelfServe Center

Small Claims: Summary Ejectment

DUE TO THE CHANGING NATURE OF THE LAW, the forms and instructions contained in this packet may become outdated.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

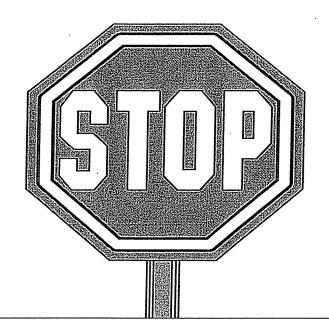
IN NO EVENT will the SelfServe Center Staff, Clerk of Court or anyone contributing to the production of these forms, instructions or guidelines be liable for any indirect or consequential damages resulting from use of the forms or information provided to you by the SelfServe Center.

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 FEE:	
	© 1999 SelfServe Cente



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 (SUMMARY EJECTMENT)

IMPORTANT:

- You may file this action if you have a written or oral lease with the Defendant. You may also file for recovery of rent or damages within this action if the amount of rent and damages you are seeking to recover is five thousand (5,000) dollars or less.
- Please PRINT (BLACK INK ONLY) or TYPE these forms.
- The Defendant(s) property address MUST be in Mecklenburg County.
- 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.
 - * Note: It is your responsibility to determine if you are filing in the correct county. "Description of Premises" on the complaint must include physical address.
- Use zip codes and phone numbers if you have them.
- PLEASE PRINT (BLACK INK ONLY) OR TYPE FORMS. Fillable forms are available on-line (print front and back on a single page for Complaints and Magistrate Summons). Forms that are inaccurate, incomplete, or ineligible may stop or delay the processing of your claim. Check all copies.

Step One: **Completing Your Forms**

Copies needed for One (1) Defendant Online Complaint Form

OR Carbonless Complaint Form

Three (3) One (1)

Magistrate Summons

Five (5)

Copies needed for Two (2) Defendants Four (4)

Online Complaint Form OR Carbonless Complaint Form

One (1)

Magistrate Summons

Six (6)

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

- Complaint in Summary Ejectment
- **Magistrate Summons**
- Affidavit of Service of Process by Registered or Certified Mail

Please Note:

- 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 THIS FORM.
- You MUST provide a stamped envelope addressed to the Defendant(s). A copy of the Complaint and Summons is mailed to the Defendant(s) in addition to being served by the Deputy.

- You <u>MUST</u> provide a stamped self-addressed envelope so that Notice of Hearing Date can be mailed to you. Please note that this Notice will be a copy of the Magistrate Summons you provided.
- The <u>Complaint</u> form needs to be <u>completely</u> filled out. It must be dated and signed by you, the Plaintiff.
- The <u>Summons</u> is directed to the Defendant(s) and you <u>MUST</u> complete the top of the form with the name and address of the Defendant(s). A phone number is helpful. **DO NOT SIGN THIS** FORM. DO NOT COPY THE FORMS (they cannot be accepted).

Step Two: Filing the Documents.

The filing fee is payable by <u>cash or money order 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 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.

A Notice of Hearing will be sent to you once it has been verified that the Defendant(s) has been served. The Notice of Hearing will contain your court date and time. If the Sheriff is unable to serve the Defendant(s) for some reason, you will also be notified of this by mail.

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. <u>Service of Process by the Sheriff:</u> If the Defendant lives in Mecklenburg County and will not accept service of process, you will need to pay a \$30.00 service fee *per party served* to the sheriff in the county where he/she resides to serve the papers.
 - a. If Defendant lives in Mecklenburg County:
 - i. Take the Magistrate Summons and Complaint to the Clerk's Office, Room 3725, when you file for summary ejectment. 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 dollar 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:

- i. If the Defendant does not live in Mecklenburg County, you must mail or deliver the Magistrate 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. Service of Process by certified or registered 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 Magistrate 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. There is a Notary Public in the Sheriff's Office on the first floor of the Mecklenburg County Courthouse.

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

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.

ELECTRONIC EVIDENCE IS <u>NOT</u> ACCEPTED IN SMALL CLAIMS COURT PRINT <u>ALL</u> EVIDENCE BEFORE YOU COME TO COURT

72.

(Over) ELECTRONIC BUSINESS ASSESSED OF THE CONTROL	AOC-CVM-201, Rev. 8/17
Name Of Agent (type or print) Signature Of Agent	
ertify that I am ar	Attornev Bar No.
CERTIFICATION WHEN COMPLAINT SIGNED BY AGENT OF PLAINTIFF	
Name Of Plaintiff/Attorney/Agent (type or print) Signature Of Plaintiff/Attorney/Agent	
demand to be put in of judgment plus into	nd Address Of Plaintiff's Attor
Amount Of Damage (if known) Amount Of Rent Past Due Total Amount Due \$	County Talanhana Ma
	Name And Address Of Defendant 2 Individual Corporation
Description Of Any Property Damage	County Telephone No.
4. The plaintiff has demanded possession of the premises from the defendant, who has refused to surrender it, and the plaintiff is entitled to immediate possession.5. The defendant owes the plaintiff the following:	
	VERSUS Name And Address Of Defendant 1 Individual Corporation
Description Of Breach/Criminal Activity (give names, dates, places and illegal activity)	Telephone No.
The defendant breached the condition of the lease described below for which re-entry is specified. Criminal activity or other activity has occurred in violation of G.S. 42-63 as specified below.	
10-day grace period before filing the complaint. The lease period ended on the above date and the defendant is holding over after the conduct the lease period.	G.S. 7A-216, 7A-232; Ch. 42, Arts. 3 and 7 Name And Address Of Plaintiff
er Week	
	IN SUMMARY EJECTMENT
2. The defendant is a resident of the county named above. 2. The defendant entered into possession of premises described below as a lessee of plaintiff. Description Of Premises (include location and address)	COMPLAINT
In The General Court Of Justice County District Court Division - Small Claims	
STATE OF NORTH CAROLINA	THE PRO.
	File No.

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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.

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- 1. The PLAINTIFF must file a small claim action in the county where at least one of the defendants resides.
- The PLAINTIFF cannot sue in small claims court for more than \$10,000.00 excluding interest and costs unless further restricted by court order.
- 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. In filling out number 2 of the complaint in subsidized housing (e.g., Section 8, voucher, housing authority), the landlord should include in the "Rate Of Rent" box only that portion of the rent that the tenant pays directly to the landlord.
- 6. In filling out number 3 in the complaint, if the landlord is seeking to remove the tenant for failure to pay rent when there is no written lease, the first block should be checked. (Defendant failed to pay the rent due on the above date and the plaintiff made demand for the rent and waited the ten (10) day grace period before filing the complaint.) If the landlord is seeking to remove the tenant for failure to pay rent when there is a written lease with an automatic forfeiture clause, the third block should be checked. (The defendant breached the condition of the lease described below for which re-entry is specified.) And "failure to pay rent" should be placed in the space for description of the breach. If the landlord is seeking to evict tenant for violating some other condition in the lease, the third block should also be checked. If the landlord is claiming that the term of the lease has ended and the tenant refuses to leave, the second block should be checked. If the landlord is claiming that criminal activity occurred, the fourth block should be checked and the conduct must be described in space provided.
- 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 PLAINTIFF must appear before the magistrate to prove his/her claim.

- 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.
- 10. Requests for continuances of cases before the magistrate may be granted for good cause shown and for no more than five (5) days per continuance unless the parties agree otherwise.
- 11. The magistrate will render judgment on the date of hearing unless the parties agree otherwise, or the case is complex as defined in G.S. 7A-222, in which case the decision is required within five (5) days.
- 12. 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 ten (10) days after the judgment is entered. If the appealing party applies to appeal as an indigent, and that request is denied, that party has an additional five (5) days to pay the court costs for the appeal.
- 13. If the defendant appeals and wishes to remain on the premises the defendant must also post a stay of execution bond within ten (10) days after the judgment is entered. In the event of an appeal by the tenant to district court, the landlord may file a motion to dismiss that appeal under G.S. 7A-228(d). The court may decide the motion without a hearing if the tenant fails to file a response within ten (10) days of receipt of the motion.
- 14. Upon request of the tenant within seven (7) days of the landlord being placed in lawful possession, the landlord shall release any personal property of the tenant. If, after being placed in lawful possession by execution of a writ, the landlord has offered to release the tenant's property and the tenant fails to retrieve such property during the landlord's regular business hours within seven (7) days after execution of the writ, the landlord may throw away, dispose of, or sell the property in accordance with the provisions of G.S. 42-25.9(g). If sold, the landlord must disburse any surplus proceeds to the tenant upon request within seven (7) days of the sale. If the total value of the property is less than \$500.00, it is deemed abandoned five (5) days after execution unless the tenant requests, prior to expiration of the five-day period, release of the property to the tenant, in which case the landlord shall release possession of the property to the tenant during regular business hours or at a time agreed upon.
- 15. 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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	SIAIE OF NORTH CAROLINA
	In The General Court Of Justice Ounty District Court Division - Small Claims
COMPI AINT	The defendant is a resident of the county named above. The defendant entered into possession of premises described below as a lessee of plaintiff. Description Of Premises (include location and address)
IN SUMMARY EJECTMENT	Conventional Public Housing Section 8
	Of Rent (Tenant's Share) Month Date Rent Due Per Week The defendant failed to possible and the second state of the second st
G.S. 7A-216, 7A-232; Ch. 42, Arts. 3 and 7 Name And Address Of Plaintiff	#
	☐ The lease period ended on the above date and the defendant is holding over after the end of the lease period. ☐ The defendant breached the condition of the lease described below for which re-entry is specified. ☐ Criminal activity or other activity has occurred in violation of G.S. 42-63 as specified below.
hone No.	Description Of Breach/Criminal Activity (give names, dates, places and illegal activity)
Name And Address Of Defendent 1 Individual Corporation	
	4. The plaintiff has demanded possession of the premises from the defendant, who has refused to surrender it, and the plaintiff is entitled to immediate possession.5. The defendant owes the plaintiff the following:
Name And Address Of Defendant 2 Individual Corporation	Description Of Any Property Damage
	Amount Of Damage (if known) Amount Of Rent Past Due Total Amount Due \$
nd Address Of Plaintiff's Attorney Or Agent	6. I demand to be put in possession of the premises and to recover the total amount listed above and daily rental until entry of judgment plus interest and reimbursement for court costs.
	CERTIFICATION WHEN CO
Attorney Bar No.	Date Name Of Agent (type or print) Signature Of Agent Signature Of Agent

INSTRUCTIONS TO PLAINTIFF OR DEFENDANTS & FOR THE

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- 1. The PLAINTIFF must file a small claim action in the county where at least one of the defendants resides.
- The PLAINTIFF cannot sue in small claims court for more than \$10,000.00 excluding interest and costs unless further restricted by court order.
- 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. In filling out number 2 of the complaint in subsidized housing (e.g., Section 8, voucher, housing authority), the landlord should include in the "Rate Of Rent" box only that portion of the rent that the tenant pays directly to the landlord.
- 6. In filling out number 3 in the complaint, if the landlord is seeking to remove the tenant for failure to pay rent when there is no written lease, the first block should be checked. (Defendant failed to pay the rent due on the above date and the plaintiff made demand for the rent and waited the ten (10) day grace period before filling the complaint.) If the landlord is seeking to remove the tenant for failure to pay rent when there is a written lease with an automatic forfeiture clause, the third block should be checked. (The defendant breached the condition of the lease described below for which re-entry is specified.) And "failure to pay rent" should be placed in the space for description of the breach. If the landlord is seeking to evict tenant for violating some other condition in the lease, the third block should also be checked. If the landlord is claiming that the term of the lease has ended and the tenant refuses to leave, the second block should be checked. If the landlord is claiming that criminal activity occurred, the fourth block should be checked and the conduct must be described in space provided.
- 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.
- 8. The PLAINTIFF must appear before the magistrate to prove his/her claim.

- 9. 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.
- 10. Requests for continuances of cases before the magistrate may be granted for good cause shown and for no more than five (5) days per continuance unless the parties agree otherwise.
- 11. The magistrate will render judgment on the date of hearing unless the parties agree otherwise, or the case is complex as defined in G.S. 7A-222, in which case the decision is required within five (5) days.
- 12. 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 ten (10) days after the judgment is entered. If the appealing party applies to appeal as an indigent, and that request is denied, that party has an additional five (5) days to pay the court costs for the appeal.
- 13. If the defendant appeals and wishes to remain on the premises the defendant must also post a stay of execution bond within ten (10) days after the judgment is entered. In the event of an appeal by the tenant to district court, the landlord may file a motion to dismiss that appeal under G.S. 7A-228(d). The court may decide the motion without a hearing if the tenant fails to file a response within ten (10) days of receipt of the motion.
- 14. Upon request of the tenant within seven (7) days of the landlord being placed in lawful possession, the landlord shall release any personal property of the tenant. If, after being placed in lawful possession by execution of a writ, the landlord has offered to release the tenant's property and the tenant fails to retrieve such property during the landlord's regular business hours within seven (7) days after execution of the writ, the landlord may throw away, dispose of, or sell the property in accordance with the provisions of G.S. 42-25.9(g). If sold, the landlord must disburse any surplus proceeds to the tenant upon request within seven (7) days of the sale. If the total value of the property is less than \$500.00, it is deemed abandoned five (5) days after execution unless the tenant requests, prior to expiration of the five-day period, release of the property to the tenant, in which case the landlord shall release possession of the property to the tenant during regular business hours.or at a time agreed upon.
- 15. This form is supplied in order to expedite the handling of small claims. It is designed to cover the most common claims.

(Over) El FORDANO GIADRINO ROLLANDO CONTRACTOR DE LA CONT	AOC-CVM-201, Rev. 8/17
Name Of Agent (type or print) Signature Of Agent Signature Of Agent	Date
CERTIFICATION WHEN COMPLAINT SIGNED BY AGENT OF PLAINTIFF I certify that I am an agent of the plaintiff and have actual knowledge of the facts alleged in this Complaint	1000
Name Of Plaintiff/Attorney/Agent (type or print) Signature Of Plaintiff/Attorney/Agent	Date
6. I demand to be put in possession of the premises and to recover the total amount listed above and daily rental until entry of judgment plus interest and reimbursement for court costs.	nd Address Of Plaintiff's Attorney Or Aport
Amount Of Damage (if known) Amount Of Rent Past Due Total Amount Due	
	Name And Address Of Defendant 2 Individual Corporation
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Description Of Breach/Criminal Activity (give names, dates, places and illegal activity)	Telephone No. Description
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The defendant failed to pay the rent due on the above date and the plaintiff made demand for the rent and waited the 10-day grace period before filing the complaint.	G.S. 7A-216, 7A-232; Ch. 42, Arts. 3 and 7 10
78	Rate Of Re \$
Conventional Public Housing Section 8	TMENT
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In The General Court Of Justice District Court Division - Small Claims	
STATE OF NORTH CAROLINA	STA

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- 12. 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 ten (10) days after the judgment is entered. If the appealing party applies to appeal as an indigent, and that request is denied, that party has an additional five (5) days to pay the court costs for the appeal.
- 13. If the defendant appeals and wishes to remain on the premises the defendant must also post a stay of execution bond within ten (10) days after the judgment is entered. In the event of an appeal by the tenant to district court, the landlord may file a motion to dismiss that appeal under G.S. 7A-228(d). The court may decide the motion without a hearing if the tenant fails to file a response within ten (10) days of receipt of the motion.
- 14. Upon request of the tenant within seven (7) days of the landlord being placed in lawful possession, the landlord shall release any personal property of the tenant. If, after being placed in lawful possession by execution of a writ, the landlord has offered to release the tenant's property and the tenant fails to retrieve such property during the landlord's regular business hours within seven (7) days after execution of the writ, the landlord may throw away, dispose of, or sell the property in accordance with the provisions of G.S. 42-25.9(g). If sold, the landlord must disburse any surplus proceeds to the tenant upon request within seven (7) days of the sale. If the total value of the property is less than \$500.00, it is deemed abandoned five (5) days after execution unless the tenant requests, prior to expiration of the five-day period, release of the property to the tenant, in which case the landlord shall release possession of the property to the tenant during regular business hours or at a time agreed upon.
- 15. This form is supplied in order to expedite the handling of small claims. It is designed to cover the most common claims.

I II G NVO.	04441)1 1101111111111111111111111111111
	- SIAIE OF NORTH CAROLINA
	In The General Court Of Justice 1. The defendant is a socious state of the defendant state of the defendant is a socious state of the defendant is a socious state of the defendant state of
COMPLAINT	2. The defendant entered into possession of premises described below as a lessee of plaintiff. Description Of Premises (include location and address)
IN SUMMARY EJECTMENT	Conventional Public Housing Section 8
	Rate Of Rent (Tenant's Share)
G.S. 7A-216, 7A-232; Ch. 42, Arts. 3 and 7 Name And Address Of Plaintiff	3. The defendant failed to pay the rent due on the above date and the plaintiff made demand for the rent and waited the
	☐ The lease period ended on the above date and the defendant is holding over after the end of the lease period. ☐ The defendant breached the condition of the lease described below for which re-entry is specified. ☐ Criminal activity or other activity has occurred in violation of G.S. 42-63 as specified below.
County Telephone No.	Description Of Breach/Criminal Activity (give names, dates, places and illegal activity)
VERSUS Name And Address Of Defendant 1 Individual Corporation	
	 The plaintiff has demanded possession of the premises from the defendant, who has refused to surrender it, and the plaintiff is entitled to immediate possession. The defendant owes the plaintiff the following:
County Telephone No.	Description Of Any Property Damage
Name And Address Of Defendant 2 Individual Corporation	
County	Amount Of Damage (if known) Amount Of Rent Past Due Total Amount Due \$
nd Address Of Plaintiff's Attorney Or Agent	ecover the total amount lissts.
	CERTIFICATION WHEN COMPLAINT SIGNED BY AGENT OF PLAINTIFF I certify that I am an agent of the plaintiff and have actual knowledge of the facts allocation to the plaintiff and have actual knowledge of the facts allocation to the plaintiff and have actual knowledge of the facts allocation to the plaintiff and have actual knowledge of the facts allocation to the plaintiff and have actual knowledge of the facts allocation to the plaintiff and have actual knowledge of the facts allocation to the plaintiff and have actual knowledge of the facts allocation to the plaintiff and have actual knowledge of the facts allocation to the plaintiff and have actual knowledge of the facts allocation to the plaintiff and have actual knowledge of the facts allocation to the plaintiff and have actual knowledge of the facts allocation to the plaintiff and have actual knowledge of the facts allocation to the plaintiff and the plainti
Civilis) bel NO.	Date Name Of Agent (type or print) Signature Of Agent
AOC CVM 204 B-:: 242	

- 1. The PLAINTIFF must file a small claim action in the county where at least one of the defendants resides.
- The PLAINTIFF cannot sue in small claims court for more than \$10,000.00 excluding interest and costs unless further restricted by court order.
- 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. In filling out number 2 of the complaint in subsidized housing (e.g., Section 8, voucher, housing authority), the landlord should include in the "Rate Of Rent" box only that portion of the rent that the tenant pays directly to the landlord.
- 6. In filling out number 3 in the complaint, if the landlord is seeking to remove the tenant for failure to pay rent when there is no written lease, the first block should be checked. (Defendant failed to pay the rent due on the above date and the plaintiff made demand for the rent and waited the ten (10) day grace period before filling the complaint.) If the landlord is seeking to remove the tenant for failure to pay rent when there is a written lease with an automatic forfeiture clause, the third block should be checked. (The defendant breached the condition of the lease described below for which re-entry is specified.) And "failure to pay rent" should be placed in the space for description of the breach. If the landlord is seeking to evict tenant for violating some other condition in the lease, the third block should also be checked. If the landlord is claiming that the term of the lease has ended and the tenant refuses to leave, the second block should be checked. If the landlord is claiming that criminal activity occurred, the fourth block should be checked and the conduct must be described in space provided.
- 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.
- 8. The PLAINTIFF must appear before the magistrate to prove his/her claim.

- 9. 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.
- 10. Requests for continuances of cases before the magistrate may be granted for good cause shown and for no more than five (5) days per continuance unless the parties agree otherwise.
- 11. The magistrate will render judgment on the date of hearing unless the parties agree otherwise, or the case is complex as defined in G.S. 7A-222, in which case the decision is required within five (5) days.
- 12. 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 ten (10) days after the judgment is entered. If the appealing party applies to appeal as an indigent, and that request is denied, that party has an additional five (5) days to pay the court costs for the appeal.
- 13. If the defendant appeals and wishes to remain on the premises the defendant must also post a stay of execution bond within ten (10) days after the judgment is entered. In the event of an appeal by the tenant to district court, the landlord may file a motion to dismiss that appeal under G.S. 7A-228(d). The court may decide the motion without a hearing if the tenant fails to file a response within ten (10) days of receipt of the motion.
- 14. Upon request of the tenant within seven (7) days of the landlord being placed in lawful possession, the landlord shall release any personal property of the tenant. If, after being placed in lawful possession by execution of a writ, the landlord has offered to release the tenant's property and the tenant fails to retrieve such property during the landlord's regular business hours within seven (7) days after execution of the writ, the landlord may throw away, dispose of, or sell the property in accordance with the provisions of G.S. 42-25.9(g). If sold, the landlord must disburse any surplus proceeds to the tenant upon request within seven (7) days of the sale. If the total value of the property is less than \$500.00, it is deemed abandoned five (5) days after execution unless the tenant requests, prior to expiration of the five-day period, release of the property to the tenant, in which case the landlord shall release possession of the property to the tenant during regular business hours or at a time agreed upon.
- 15. This form is supplied in order to expedite the handling of small claims. It is designed to cover the most common claims.

THE INC.	0TATE OF MODEL 0450:
	In The General Court Of Latin
	In The General Court Of Justice County District Court Division - Small Claims
	The defendant is a resident of the county named above. The defendant entered into possession of premises described below as a lessee of plaintiff. Description of Premises (include Incation and addition).
IN SUMMARY EJECTMENT	Conventional
	☐ Public Housing
	_
	\$ per Week Date Lease Ended . Type Of Lease Orai Willen
G.S. 7A-216, 7A-232; Ch. 42, Arts. 3 and 7 Name And Address Of Plaintiff	3. The defendant failed to pay the rent due on the above date and the plaintiff made demand for the rent and waited the 10-day grace period before filing the complaint.
•	The lease period ended on the above date and the defendant is holding over after the end of the lease period.
	☐ Criminal activity or other activity has occurred in violation of G.S. 42-63 as specified below.
Telephone No.	Description Of Breach/Criminal Activity (give names, dates, places and illegal activity)
VERSUS	
Name And Address Of Defendant 1 Individual Corporation	
	4. The plaintiff has demanded possession of the premises from the defendant, who has refused to surrender it, and the plaintiff is entitled to immediate possession. 5. The defendant owes the plaintiff the following.
County Telephone No.	Description Of Any Property Damage
Name And Address Of Defendant 2 Individual Corporation	
	Amount Of Damage (if known) Amount Of Rent Past Due Total Amount Due
Name And Address Of Plaintiff's Attorney Or Agent	6. I demand to be put in possession of the premises and to recover the total amount listed above and daily rental until entry of judgment plus interest and reimbursement for court costs.
	Name Or Plaintiff/Attorney/Agent (type or print) Signature Of Plaintiff/Attorney/Agent
	CERTIFICATION WHEN COMPLAINT SIGNED BY AGENT OF PLAINTIFF
Attorney Bar No.	Date Name Of Agent (type or print) Signature Of Agent

- 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 excluding interest and costs unless further restricted by court order
- ω determine if the defendant is a corporation and sue in the complete corporate name. ensure service on the defendant. If there are two defendants and they reside at The PLAINTIFF must show the complete name and address of the defendant to and sue the owner. If the business is not a corporation, the plaintiff must determine the owner's name different addresses, the plaintiff must include both addresses. The plaintiff must
- 4. The PLAINTIFF may serve the defendant(s) by mailing a copy of 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 party to be served or by paying the costs to have the sheriff serve the summons and complaint by registered or certified mail, return receipt requested, addressed to the must attach to that statement the postal receipt showing that the letter was accepted.
- 5. In filling out number 2 of the complaint in subsidized housing (e.g., Section 8, only that portion of the rent that the tenant pays directly to the landlord. voucher, housing authority), the landlord should include in the "Rate Of Rent" box
- <u></u>თ In filling out number 3 in the complaint, if the landlord is seeking to remove the
- be described in space provided. refuses to leave, the second block should be checked. If the landlord is claiming that the space for description of the breach. If the landlord is seeking to evict tenant for below for which re-entry is specified.) And "failure to pay rent" should be placed in should be checked. (The defendant breached the condition of the lease described when there is a written lease with an automatic forfeiture clause, the third block the complaint.) If the landlord is seeking to remove the tenant for failure to pay rent made demand for the rent and waited the ten (10) day grace period before filing checked. (Defendant failed to pay the rent due on the above date and the plaintiff tenant for failure to pay rent when there is no written lease, the first block should be criminal activity occurred, the fourth block should be checked and the conduct must If the landlord is claiming that the term of the lease has ended and the tenant violating some other condition in the lease, the third block should also be checked
- 7. The PLAINTIFF must pay advance court costs at the time of filing this Complaint. charged against the defendant. In the event that judgment is rendered in favor of the plaintiff, court costs may be
- œ The PLAINTIFF must appear before the magistrate to prove his/her claim.

- 9 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 assert the defendant's defense. DOES NOT relieve the defendant of the need to appear before the magistrate to for the plaintiff and be filed no later than the time set for trial. The filing of the answer
- 10. Requests for continuances of cases before the magistrate may be granted for good cause shown and for no more than five (5) days per continuance unless the parties agree otherwise
- 11. The magistrate will render judgment on the date of hearing unless the parties agree otherwise, or the case is complex as defined in G.S. 7A-222, in which case the decision is required within five (5) days.
- 12. The PLAINTIFF or the DEFENDANT may appeal the magistrate's decision in this request is denied, that party has an additional five (5) days to pay the court costs for judgment is entered. If the appealing party applies to appeal as an indigent, and that the Clerk of Superior Court the costs of court for appeal within ten (10) days after the serve written notice of appeal on all other parties. The appealing party must PAY to the judgment is entered. If notice is given in writing, the appealing party must also notice may be given in writing to the Clerk of Superior Court within ten (10) days after case. To appeal, notice must be given in open court when the judgment is entered, or
- 13. If the defendant appeals and wishes to remain on the premises the defendant must also post a stay of execution bond within ten (10) days after the judgment is entered. In hearing if the tenant fails to file a response within ten (10) days of receipt of the motion. dismiss that appeal under G.S. 7A-228(d). The court may decide the motion without a the event of an appeal by the tenant to district court, the landlord may file a motion to
- 14. Upon request of the tenant within seven (7) days of the landlord being placed in lawful property to the tenant during regular business hours or at a time agreed upon. property to the tenant, in which case the landlord shall release possession of the unless the tenant requests, prior to expiration of the five-day period, release of the property is less than \$500.00, it is deemed abandoned five (5) days after execution to the tenant upon request within seven (7) days of the sale. If the total value of the provisions of G.S. 42-25.9(g). If sold, the landlord must disburse any surplus proceeds the landlord may throw away, dispose of, or sell the property in accordance with the landlord's regular business hours within seven (7) days after execution of the writ, release the tenant's property and the tenant fails to retrieve such property during the being placed in lawful possession by execution of a writ, the landlord has offered to possession, the landlord shall release any personal property of the tenant. If, after
- 15. 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	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)		
VE	Delle			
VERSUS Defendant(s)		G.S. 1A-1, Rule 4; 7A-217, -2: Date Original Summons Issued		
		Date(s) Subsequent Summons(es) Issued		
TO				
TO Name And Address Of Defendant 1		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 someone who re ¡IMPORTANTE! ¡i ¡NO TIRE estos pare ¡Puede querer co	talk with a lawyer about you ads English and can translat Se ha entablado un proceso papeles!	civil en su contra! Estos papeles son documentos legales.		
A Small Claim Action Has Been				
You are notified to appear before t	~	e, time, and location of trial listed below. You will have the opportunity domplaint.		
∕ou may file a written answer, mak rial.	king defense to the claim, in the of	fice of the Clerk of Superior Court at any time before the time set for		
you fail to appear and defend ag	ainst the proof offered, the magist	rate may enter a judgment against you.		
te Of Trial	Time Of Trial	Location Of Court		
me And Address Of Plaintiff Or Plaintiff's Al	ttomey	Date Issued		
		Signature		
		Deputy CSC Assistant CSC Clerk Of Superior Court		

		RETUI	RN OF SERVICE	
I certify that this	summons and a copy	y of the complaint were re	ceived and served as f	ollows:
Data Carrel	17.0		FENDANT 1	
Date Served	Time Se		PM Name Of Defendant	
By delivering	g to the defendant nar	med above a copy of the s	ummons and complain	ıt.
☐ By leaving a	copy of the summons	and complaint at the dwe	elling house or usual pl	ace of abode of the defendant named above with
		ion then residing therein,		
below.	idant is a corporation,	service was effected by d	elivering a copy of the	summons and complaint to the person named
Name And Address Of	Person With Whom Copy L	eft (if corporation, give title of per	son copy left with)	
				7
☐ Other manne	er of service (specify)			
	Tor service (specify)			
☐ Defendant W	AS NOT served for the	e following reason:		*
Date Served	Time Serv	·	ENDANT 2 Name Of Defendant	
	Tillie Selv	EU AM □PI		•
By delivering	to the defendant name	ed above a copy of the sur	mmons and complaint.	
☐ By leaving a c	opy of the summons a	and complaint at the dwell	ing house or usual plac	ce of abode of the defendant named above with a
	-	n then residing therein, who		
below.	ant is a corporation, so	arvice was effected by def	ivening a copy or the st	ummons and complaint to the person named
ame And Address Of P	erson With Whom Copy Lef	t (if corporation, give title of perso	n copy left with)	
Other manner	of service (specify)		· · · · · · · · · · · · · · · · · · ·	
	or service (specify)			
Defendant WA	S NOT served for the	following reason:		
Defendant WA	S NOT served for the	following reason:		
Defendant WA	S NOT served for the	following reason:		
	Service was made	de by mailing by first class	mail a copy of the sun	nmons and complaint to the defendant(s) and
Defendant WAS	Service was made		mplaint at the following	nmons and complaint to the defendant(s) and premises:
FOR USE IN SUMMARY EJECTMENT	Service was made by posting a cop	de by mailing by first class by of the summons and co Name(s) Of The Defenda	mplaint at the following	nmons and complaint to the defendant(s) and premises:
FOR USE IN SUMMARY	Service was made by posting a cop	de by mailing by first class by of the summons and co Name(s) Of The Defenda	mplaint at the following	nmons and complaint to the defendant(s) and premises:
FOR USE IN SUMMARY EJECTMENT	Service was made by posting a cop	de by mailing by first class by of the summons and co Name(s) Of The Defenda	mplaint at the following	premises:
FOR USE IN SUMMARY EJECTMENT CASES ONLY:	Service was made by posting a cop	de by mailing by first class by of the summons and co Name(s) Of The Defenda	mplaint at the following int(s) Served By Posting Signature Of Deputy Sheri	premises: If Making Return
FOR USE IN SUMMARY EJECTMENT CASES ONLY: vice Fee	Service was made by posting a cop	de by mailing by first class by of the summons and co Name(s) Of The Defenda	mplaint at the following ant(s) Served By Posting	premises: If Making Return

STATE	OF NORTH	CAROLIN	1A		File No.	
		Cour	nty			neral Court Of Justice Division - Small Claims
Plaintiff(s)						
·				1 —	MAGISTRATE S	SUMMONS MMONS (ASSESS FEE)
	VEE	RSUS				
Defendant(s)	₩ kos i		THE TOTAL CONTROL OF THE TOTAL	Date Original Summo	ns Issued	G.S. 1A-1, Rule 4; 7A-217, -23
				Date(s) Subsequent S	Summons(es) Issued	
то		***************************************	er e gordrong burgering to de la constante en	то		
Name And Addre	ess Of Defendant 1			Name And Address Or	Defendant 2	
Telephone No. O	f Defendant 1		***************************************	Telephone No. Of Defe	ndant 2	
į	You may want to someone who rea ¡IMPORTANTE! ¡S ¡NO TIRE estos pa ¡Puede querer con	talk with a la ads English a Se ha entabla apeles! nsultar con ι	wyer about y and can trans do un proces un abogado k	our case as soon a late these papers! so civil en su contra	s possible, and, if !! Estos papeles serva de su caso y, c	throw these papers out! needed, speak with on documentos legales. le ser necesario, hablar
A Small Clair You are notifi	m Action Has Been (Commenced A	gainst You! t the specified o	late, time, and location		ou will have the opportunity
∕ou may file a rial.	a written answer, maki	ing defense to	the claim, in the	office of the Clerk of S	uperior Court at any t	ime before the time set for
f you fail to ap	opear and defend aga	inst the proof o	offered, the mag	istrate may enter a jude	gment against you.	
ite Of Trial		Time Of Trial	Пам Прм	Location Of Court		
me And Address	of Plaintiff Or Plaintiff's Att	omey		Date Issued		
				Signature		
				Deputy CSC	Assistant CSC	Clerk Of Superior Court

		RETU	URN O	F SERVICE	
I certify that th	is summons and a copy o	of the complaint were i	received	and served as fo	llows:
Data Consul			PEFEN		
Date Served	Time Serve]рм	Name Of Defendant	
☐ By deliveri	ng to the defendant name	ed above a copy of the	summo	ons and complaint.	
By leaving person of s	a copy of the summons a uitable age and discretion	and complaint at the do	welling h	nouse or usual pla	ce of abode of the defendant named above with
As the defe		_			ummons and complaint to the person named
below. Name And Address (Of Person With Whom Copy Left	(if corporation, give title of p	person cop	y left with)	
Other mann	er of service (specify)	1949 Section 1940			
					· C
□ D-f11					
☐ Detendant v	VAS NOT served for the f	ollowing reason:		•	· · · · · · · · ·
ale Served		DE	FENDA		
ale servea	Time Served	AM!	РМ	me Of Defendant	
By delivering	to the defendant named	above a copy of the s	ummons	and complaint.	
By leaving a	copy of the summons and	d complaint at the dwe	elling hou	use or usual place	of abode of the defendant named above with a
	table age and discretion t				nmons and complaint to the person named
below.					imons and complaint to the person named
ime And Address Or i	Person With Whom Copy Left (if	corporation, give title of pers	son copy le	eft with)	
Other manner	of service (specify)				
Defendant WA	S NOT served for the foll	lowing rosen:			
) Delendant WA	io no i served for the foli	lowing reason.			
OR USE IN	Service was made	by mailing by first clas	ss mail a	copy of the sumn	nons and complaint to the defendant(s) and
SUMMARY	Date Served	Name(s) Of The Defend	dant(s) Ser	ved By Posting	emises.
JECTMENT ASES ONLY:	Address Of Premises Where P	osled			
ice Fee			Cian=	turo Of Danish Ch - ""	Ashina Datum
			Signa.	ture Of Deputy Sheriff I	макту кешт
Received			Name	Of Deputy Sheriff Maki	ing Return (type or print)
Of Return			County	y Of Sheriff	
			1		

STATE OF NORTH CAROLINA	File No.
County	In The General Court Of Justice District Court Division - Small Claims
Plaintiff(s)	Dietrict Court Division Circui Glaims
	MAGISTRATE SUMMONS
,	□ ALIAS AND PLURIES SUMMONS (ASSESS FEE)
	LINE AND LONGS 30MMONS (ASSESS FEE)
VERSUS	G.S. 1A-1, Rule 4; 7A-217, -23
Defendant(s)	Date Original Summons Issued
	Date(s) Subsequent Summons(es) Issued
ТО	ТО
Name And Address Of Defendant 1	Name And Address Of Defendant 2
elephone No. Of Defendant 1	
Stephone No. Of Determank 1	Telephone No. Of Defendant 2
IMPORTANT! You have been sued! These p You may want to talk with a lawyer about y someone who reads English and can trans	papers are legal documents, DO NOT throw these papers out! our case as soon as possible, and, if needed, speak with late these papers!
¡IMPORTANTE! ¡Se ha entablado un proces	so civil en su contra! Estos papeles son documentos legales.
¡NO TIRE estos papeles!	o antes posible acerca de su caso y, de ser necesario, hablar
con alguien que lea inglés y que pueda trac	ducir estos documentos!
A Small Claim Action Has Been Commenced Against You!	
ou are notified to appear before the magistrate at the specified o	date, time, and location of trial listed below. You will have the opportunity
it the trial to defend yourself against the claim stated in the attach	hed complaint.
ou 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
iai.	
you fail to appear and defend against the proof offered, the mag	istrate may enter a judgment against you
te Of Trial Time Of Trial	Location Of Court
me And Address Of Plaintiff Or Plaintiff's Attorney	Date Issued
	Signature
	Deputy CSC Assistant CSC Clerk Of Superior Court

			OF SERVICE	
I certify that th	is summons and a copy of the c	omplaint were recei	ved and served as fo	ollows:
Data Carred		DEFE	NDANT 1	
Date Served	Time Served	□ АМ □ РМ	Name Of Defendant	
By deliveri	ng to the defendant named abov	e a copy of the sum	nmons and complain	t.
By leaving person of s	a copy of the summons and con uitable age and discretion then	nplaint at the dwellir residing therein, wh	ng house or usual pla o is named below.	ace of abode of the defendant named above wit
As the defe	ndant is a corporation, service v	vas effected by deliv	vering a copy of the	summons and complaint to the person named
Name And Address (Of Person With Whom Copy Left (if corpo	ration, give title of person	copy left with)	
Other mann	er of service (specify)			
☐ Defendant V	VAS NOT served for the followin	o reason:		
		9 10000111	·	·
···				
ale Served	Time Served	DEFEN	IDANT 2	
aic ocived	Time Served	□АМ □РМ	Name Of Defendant	
By delivering	to the defendant named above	a copy of the summ	ons and complaint.	
By leaving a	copy of the summons and comp	laint at the dwelling	house or usual place	e of abode of the defendant named above with a
person or sur	lable age and discretion then re-	siding therein, who i	s named below.	
As the defend below.	lant is a corporation, service wa	s effected by delive	ring a copy of the su	mmons and complaint to the person named
ame And Address Of	Person With Whom Copy Left (if corporat	ion, give title of person co	ppy left with)	
Other manner	of service (specify)			
	or dervice (specify)			
Defendant WA	S NOT served for the following	reason:		
	Service was made by mai	iling by first class ma	ail a copy of the sum	mons and complaint to the defendant(s) and
FOR USE IN SUMMARY	by posting a copy of the s	ummons and compl	aint at the following p	premises:
JECTMENT	Date Served INan	ne(s) Of The Defendant(s)	Served By Posting	
ASES ONLY:	Address Of Premises Where Posted			
ice Fee]	s	ignature Of Deputy Sheriff	Making Return
Received			ame Of Deputy Sheriff Ma	ling Potus (tupe or of the
	**************************************		ате Огрерицу эпепт Мал	кину кешт (туре ог рппт)
Of Return		G	ounty Of Sheriff	

STATE OF NORTH CAROLINA	A	File No.
County	<i>'</i>	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, -23
Defendant(s)	Da	le Original Summons Issued
	Da	e(s) Subsequent Summons(es) Issued
ТО	тс	
Name And Address Of Defendant 1	Nar	ne And Address Of Defendant 2
Telephone No. Of Defendant 1	Tele	ohone No. Of Defendant 2
IMPORTANT! You have been su You may want to talk with a law someone who reads English an	yer about your cas	are legal documents, DO NOT throw these papers out! e as soon as possible, and, if needed, speak with se papers!
¡NO TIRE estos papeles!	abogado lo antes	en su contra! Estos papeles son documentos legales. posible acerca de su caso y, de ser necesario, hablar tos documentos!
A Small Claim Action Has Been Commenced Ag		
You are notified to appear before the magistrate at the trial to defend yourself against the claim state		e, and location of trial listed below. You will have the opportunity plaint.
You may file a written answer, making defense to the rial.	e claim, in the office of	the Clerk of Superior Court at any time before the time set for
f you fail to appear and defend against the proof offe	ered, the magistrate m	ay enter a judgment against you.
ale Of Trial Time Of Trial		on Of Court
ame And Address Of Plaintiff Or Plaintiff's Attorney	Date I	ssued
	Signat	ure
		Deputy CSC Assistant CSC Clerk Of Superior Court

		RETURN OF SERVICE
I certify that this sun	nmons and a copy of the complain	t were received and served as follows:
Date Served	Time Served	DEFENDANT 1 Name Of Defendant
		AM PM
By delivering to	he defendant named above a cop	/ of the summons and complaint.
By leaving a cop		t the dwelling house or usual place of abode of the defendant named abo
As the defendant below.	is a corporation, service was effe	cted by delivering a copy of the summons and complaint to the person na
Name And Address Of Pers	on With Whom Copy Left (if corporation, giv	title of person copy left with)
-		
Other manner of	service (specify)	
Defendant WAS N	IOT served for the following reaso	n:
ate Served	Time Served	DEFENDANT 2 Name Of Defendant
By leaving a copy	e defendant named above a copy of the summons and complaint at	he dwelling house or usual place of abode of the defendant named above
	age and discretion then residing the	
below.	s a corporation, service was effect	ed by delivering a copy of the summons and complaint to the person nam
me And Address Of Person	With Whom Copy Left (if corporation, give t	lle of person copy left with)
Mark to the second seco		
Other manner of se	rvice (specify)	
i		
Defendant WAS NO	T served for the following reason:	
	Portion of the second s	
FOR USE IN	Service was made by mailing by	irst class mail a copy of the summons and complaint to the defendant(s)
		s and complaint at the following premises: Defendant(s) Served By Posting
JECTMENT		
ASES ONLY: Addre	ess Of Premises Where Posted	
		Signature Of Deputy Sheriff Makina Return
ice Fee		Signature Of Deputy Sheriff Making Return
ice Fee		Signature Of Deputy Sheriff Making Return Name Of Deputy Sheriff Making Return (type or print)
ice Fee Received Of Return		

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	
Defendant(s)	G.S. 1A-1, Rule 4; 7A-217, -23 Date Original Summons Issued
	Date(s) Subsequent Summons(es) Issued
ТО	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 y someone who reads English and can trans iMPORTANTE! ¡Se ha entablado un proces ¡NO TIRE estos papeles! ¡Puede querer consultar con un abogado le 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 specified at the trial to defend yourself against the claim stated in the attack.	so civil en su contra! Estos papeles son documentos legales. o antes posible acerca de su caso y, de ser necesario, hablar ducir estos documentos! date, time, and location of trial listed below. You will have the opportunity
f you fail to appear and defend against the proof offered, the mag	gistrate may enter a judgment against you.
ote Of Trial Time Of Trial AM PM	Location Of Court
me And Address Of Plaintiff Or Plaintiff's Attorney	Date Issued -
·	Signature
	Deputy CSC Assistant CSC Clerk Of Superior Court

				OF SERVICE	
I certify that the	is summons and a c	opy of the complaint	were receiv	ed and served as fol	llows:
Date Served	17		DEFE	NDANT 1	
Date Served	lime	e Served	АМ ПРМ	Name Of Defendant	
☐ By deliveri	ng to the defendant	named above a copy	of the sum	mons and complaint.	
☐ By leaving	a copy of the summ	ons and complaint a	t the dwellin	g house or usual plac	ce of abode of the defendant named above wit
person of s	suitable age and disc	retion then residing	therein, who	is named below.	
below.	endant is a corporation	on, service was effec	ted by deliv	ering a copy of the su	ummons and complaint to the person named
Name And Address	Of Person With Whom Cop	y Left (if corporation, give	title of person	copy left with)	

☐ Other mani	er of service (specify)			
Defendant V	VAS NOT served for	the following reason)·	The state of the s	
		and removing rodoci		·	•
***			DEFEN	DANT 2	
ate Served	Time S	erved	м ПРМ	Name Of Defendant	
Bv delivering	to the defendant na	med above a copy o	of the summ	one and complaint	
					of abode of the defendant named above with a
person of su	table age and discre	tion then residing the	erein, who is	s named below.	
As the defen below.	dant is a corporation	, service was effecte	d by deliver	ing a copy of the sum	nmons and complaint to the person named
	Person With Whom Copy	Left (if corporation, give tit	le of person co	oy left with)	
		AARINA	***************************************		
Other manne	of service (specify)				
Defendent W	AC NOTI f II	- C. B			
) Determant w	AS NOT served for the	ie rollowing reason:			
		•			
	Service was r	nade by mailing by fi	rst class ma	il a copy of the summ	nons and complaint to the defendant(s) and
OR USE IN SUMMARY	by posting a c	opy of the summons	and compla	aint at the following p	remises:
JECTMENT	Date Served	Name(s) Of Th	e Detendant(s)	Served By Posting	
ASES ONLY:	Address Of Premises W	here Posted	**************************************		
ice Fee	L		[9]	gnature Of Deputy Sheriff N	Making Patum
				уласын ол овршу эненн к	maning Netatri
Received			Na	nne Of Deputy Sheriff Maki	ing Return (type or print)
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, -23
Defendant(s)	Date Original Summons Issued
	Date(s) Subsequent Summons(es) Issued
то	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 at someone who reads English and can ¡IMPORTANTE! ¡Se ha entablado un p ¡NO TIRE estos papeles!	ado lo antes posible acerca de su caso y, de ser necesario, hablar
A Small Claim Action Has Been Commenced Against Y	ou!
You are notified to appear before the magistrate at the spe at the trial to defend yourself against the claim stated in the	cified date, time, and location of trial listed below. You will have the opportunity attached complaint.
You may file a written answer, making defense to the claim rial.	, in the office of the Clerk of Superior Court at any time before the time set for
f you fail to appear and defend against the proof offered, th	ne magistrate may enter a judgment against you.
ate Of Trial Time Of Trial	Location Of Court
ame And Address Of Plaintiff Or Plaintiff's Attorney	Date Issued
	Signature
	Deputy CSC Assistant CSC Clerk Of Superior Court

				OF SERVICE	and the state of t
I certify that this su	immons and a copy of the	ne complaint were	e receive	ed and served as f	ollows:
Date Served		***************************************	DEFEN	IDANT 1	
Date Served	Time Served	MA	□РМ	Name Of Defendant	
By delivering to	the defendant named a	bove a copy of the	ne summ	ons and complain	ıt.
By leaving a co	py of the summons and	complaint at the	dwelling	house or usual pl	ace of abode of the defendant named above wit
	ole age and discretion th	_			
below.	nt is a corporation, servi	ce was effected b	y delive	ring a copy of the	summons and complaint to the person named
Name And Address Of Pe	rson With Whom Copy Left (if c	corporation, give title o	f person co	ppy left with)	
Other manner o	f service (specify)				
Other manner o	service (specily)				
☐ Defendant WAS	NOT served for the folio	wing reason:		-	
		•			·
ete Second		D	EFEND		
ale Served	Time Served	☐ AM ☐]PM /	Name Of Defendant	
By delivering to t	he defendant named abo	ove a copy of the	Summo	ns and complaint	
				· · · · · · · · · · · · · · · · · · ·	e of abode of the defendant named above with a
person of suitable	e age and discretion their	n residing therein,	, who is	named below.	
As the defendant below.	is a corporation, service	was effected by	deliverin	g a copy of the su	immons and complaint to the person named
	n With Whom Copy Left (if cor	poration, give title of po	erson copy	left with)	
				·	
Other manner of s	ervice (specify)				
] D. (······································		
J Defendant WAS N	OT served for the follow	ing reason:			
				7	
IF	Service was made by	mailing by first cl	ass mail	a copy of the sum	nmons and complaint to the defendant(s) and
OR USE IN	by posting a copy of the	ne summons and	complai	nt at the following	premises:
SUMMARY Date: JECTMENT	e Served	Name(s) Of The Defe	ndant(s) S	erved By Posting	
	ress Of Premises Where Poste	ed .			
îce Fee		A-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1	To:		
			Sign	nature Of Deputy Sherif	t Making Return
Received			Nam	ne Of Deputy Sheriff Ma	oking Return (type or print)
Of Relum			Cour	nty Of Sheriff	
			000	ny or onemi	

STATE OF NORTH CAROLINA	File No.
County	In The General Court Of Justice
Name And Address Of Plaintiff	SERVICEMEMBERS CIVIL RELIEF ACT
VERSUS Name And Address Of Defendant	AFFIDAVIT
NOTE: Though this form may be used in a Chapter 45 Foreslasure action	it is not a substitute for the certification that may be required by G.S. 45-21.12A
	FIDAVIT
The results from my use of that website are attached (NOTE: The Servicemembers Civil Relief Act Website is a we certificates are not installed on your computer, you may expend the website. DoD security certificates were automatically added not expect security alerts to appear with this website after July includes the following advice: "Most web browsers don't come is for the user to install all of the DoD's public certificates in the	above is not in military service.* It ps://scra.dmdc.osd.mil/) to determine the defendant's military status. It ps://scra.dmdc.osd.military status. It ps://scra.dmdc.osd.mil
Coast Guard; service as a member of the National Guard under a for a period of more than 30 consecutive days for purposes of resp	ce as a member of the United States Army, Navy, Air Force, Marine Corps, or call to active service authorized by the President or the Secretary of Defense conding to a national emergency; active service as a commissioned officer of eric Administration; any period of service during which a servicemember is lawful cause. 50 U.S.C. 3911(2).
SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME	Date
até	Signature Of Affiant
ignature Of Person Authorized To Administer Oaths	Name Of Affiant (type or print)
Deputy CSC Assistant CSC Clerk Of Superior Court Magistrate	
SEAL Date My Commission Expires	
NOTE TO COURT: Do not proceed to enter judgment in a non-crimina Servicemembers Civil Relief Act affidavit (whether is in military service, do not proceed to enter judgm him or her.	Il 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

(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).

STATE OF NORTH CAROLINA	File No.
County	In The General Court Of Justice District Court Division
Name Of Plaintiff VERSUS Name Of Defendant	AFFIDAVIT OF SERVICE BY REGISTERED MAIL CERTIFIED MAIL DESIGNATED DELIVERY SERVICE G.S. 1A-1, Rule 4 (j2)
I, the undersigned, did mail by registered mail cedelivery service, a copy of the foreign child custody order and by plaintiff in the above captioned action to (name of person to addressed as follows:	d Notice of Registration of Foreign Child Custody Order filed
Further, that copies of the foreign child custody order were in (date of receipt), as evidenced by the attention	n fact received by the person to be served on ached original receipt. (Attach original receipt to this affidavit.)
SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME	Signature Of Plaintiff/Attorney
ate Signature Of Person Authorized To Administer Oaths	Name (Type Or Print)
Date My Commission Expires Notary	
SEAL County Where Notarized	