

Set Three Documents:

SETTING A COURT DATE

ONCE THE DIVORCE COMPLAINT HAS BEEN FILED, AND SERVICE HAS BEEN COMPLETED, IT IS SUGGESTED YOU WAIT THIRTY DAYS TO PASS TO ALLOW THE DEFENDANT TO FILE AN ANSWER. AFTER THAT PERIOD HAS PASSED, YOU MAY SET A DATE FOR YOUR DIVORCE TO BE SIGNED BY THE JUDGE.

Take your original and two copies of the Motion for Summary Judgment and Notice of Hearing form to the Clerk's Office. The staff in the clerk's office will assign a court date to you. Once your date is determined, insert it in the Motion for Summary Judgment and Notice of Hearing form. File the original and mail a copy to the defendant. Remember to keep one copy for your file.

NOTE: The defendant must be given at least thirteen (13) days notice of the court date. The date you select must be at least thirteen (13) days from the date you mail your Motion for Summary Judgment and Notice of Hearing.

County

In The General Court Of Justice
 District Superior Court Division

Name Of Plaintiff

VERSUS

Name Of Defendant

MOTION COVER SHEET

Rule 5(b), Rules of Practice For Superior and District Courts

Name And Address Of Attorney Or Party, If Not Represented (complete for initial appearance or change of address)

Name Of Firm

Telephone No.

FAX No.

Attorney Bar No.

Initial Appearance in Case

Change of Address

MOTION

Type of Motion
 (For each motion, enter code for Type of Motion from list on reverse side; if OTHR, describe motion)

By (Identify Party)

Against (Identify Party)

All

All

All

All

All

All

All

All

All

All

All

All

All

All

All

All

All

All

All

All

All

All

All

All

All

All

All

All

All

All

All

All

All

All

All

All

All

All

All

All

All

All

All

All

All

All

All

All

Signature Of Attorney/Party

ate

NOTE: 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 format 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 Motions (AOC-CV-752), General Civil (AOC-CV-751), or Court Action (AOC-CV-753) cover sheet.

TYPES OF MOTIONS

<p>Add Additional Party (ADDP) Amend (AMND) Assert Right Of Access (ARAS) Attorney Fee (ATFE) Change Of Venue (CHVN) Claim Exemptions (CDEX) Compel (CMPL) Consolidation (CNSL) Contempt (CNTP) Continue (CNTN) Court Costs (COST) Default Judgment (DEFJ) Deposition (DEPO) Designate A Mediator (DSMD) Disburse Funds (DFND) Dismiss (Involuntary) (DISM) Entry Of Default (EODF) Ex Parte Restraining (EXPR) Exempt From Arbitration (EXAR) Exempt/Waive-Mediation-(EXMD) Extension Of Time (EXTM) Failure To Join Necessary Party (FJNP) Failure To State A Claim (FASC) Implementation Of Wage Withholding In Non-IV-D. Cases (OTHR) Improper Venue/Division (IMVN) In Limine (ILIM) In The Cause (INTC) Increase Bond (INBN) Insufficiency Of Process (INPR) Insufficiency Of Service Of Process (INSP) Interplead (INTP) Intervene (INTR) Join (JOIN) Judgment On Pleading (JOPL) Jury View (JRVW)</p>	<p>Lack Jurisdiction (Subject Matter) (LJSM) Lack Jurisdiction (Person) (LJPN) Limit Deposition (LDEP) Modification Of Alimony (MALI) Modification Of Child Support In IV-D Actions (MSUP) Modification Of Custody (MCUS) Modification Of Support (MSUP) Modification Of Visitation (MVIS) More Definite Statement (Rule 12) (MDST) Motion For Out-Of-State Attorney To Appear In NC Courts In A Civil Or Criminal Matter New Trial (NTRL) Objection Of Exemptions Claimed (OEXC) Other (OTHR) (<i>describe on front</i>) Petition To Sue As Indigent (OTHR) Preliminary Injunction (PREL) Quash (QUSH) Release From Stay Of Execution (RSEX) Sanctions (SANC) Selection Of Mediator By Agreement (SMAP) Set Aside (VCMD) Sever Issues Or Claims (SICL) Show Cause (SHOW) Special Practice In NC (ADMP) Stay Of Execution (STEX) Strike (STRK) Substitution Of Trustee (Judicial Foreclosure) (RSOT) Summary Judgment (SUMJ) Supplemental Procedures (SUPR) Temporary Restraining Order (TROR) Transfer (TRFR) Vacate/Modify Judgment Or Order (VCMD) Voluntary Dismissal With Or Without Prejudice (VOLD) Withdraw As Counsel (WDCN)</p>
---	---

FEES IN G.S. 7A-308 APPLY

Assert Right Of Access (ARAS)
 Substitution Of Trustee (Judicial Foreclosure) (RSOT)
 Supplemental Procedures (SUPR)

PRO HAC VICE FEES APPLY

Motion For Out-of-State Attorney To Appear In NC Courts In A Civil Or Criminal Matter

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

_____-CVD-_____

_____,
Plaintiff (print or type your name here)

vs.

_____,
Defendant (print or type your spouse's name here)

MOTION FOR SUMMARY JUDGMENT
AND NOTICE OF HEARING

The Plaintiff moves that the Court grant Summary Judgment for the Plaintiff, for an absolute divorce based on the verified pleadings and affidavits.

Notice is hereby given to the Defendant that the Motion for Summary Judgment will be heard on ____/____/____ (mm/dd/yyyy), at 9:00 A.M., or as soon thereafter as the matter may be heard, in Courtroom 6330 of the Mecklenburg County Courthouse, 832 E. 4th Street, Charlotte, North Carolina.

Notice is further given that the only issue that will be decided is whether or not to grant a final divorce based on the verified pleadings and affidavits. No live testimony or oral arguments will be heard. The parties are not required to appear at the hearing.

Once the divorce is granted, the Plaintiff will mail a Certified copy of the Divorce Judgment to the Defendant.

This the ____ day of _____, _____.
date month (spelled out) year Plaintiff's Signature

CERTIFICATE OF SERVICE

I hereby certify that I have served this Motion for Summary Judgment and Notice of Hearing on the Defendant by delivering a copy of this Motion for Summary Judgment and Notice of Hearing to the US Postal Service, in an envelope with postage paid, addressed to the Defendant as follows:

Name: _____

Street Address: _____

City, State, Zip Code: _____

This the ____ day of _____, _____.
date month (spelled out) year Plaintiff's Signature

CERTIFICATE OF ABSOLUTE DIVORCE

This form is required by the state. Your divorce order will not be given to you until you file the original of this form.

NOTE: If This Form Is Not Filled Out, or Is Not Filled Out Accurately And Completely, The Judge Will Not Sign Your Divorce!

PLEASE USE BLACK INK ONLY ON THIS FORM!

**This form is located in the SelfServe Center between the hours of 8:30 AM and 12:00 PM.
After those hours, the form may be picked up at the Clerk of Court / Civil Office.**

STATE OF NORTH CAROLINA
CERTIFICATE OF ABSOLUTE DIVORCE OR ANNULMENT

File Number: _____

County: _____

PLAINTIFF

<input type="checkbox"/> Husband/Spouse			
<input type="checkbox"/> Wife/Spouse			
1.	FIRST	MIDDLE	LAST
RESIDENCE - STATE 2a.		COUNTY 2b.	

DEFENDANT

<input type="checkbox"/> Husband/Spouse			
<input type="checkbox"/> Wife/Spouse			
3.	FIRST	MIDDLE	LAST
RESIDENCE - STATE 4a.		COUNTY 4b.	

MARRIAGE

DATE OF THIS MARRIAGE 5.	PLACE OF THIS MARRIAGE 6.
NUMBER OF MINOR CHILDREN 7.	DATE OF SEPARATION 8.

CERTIFICATION

I hereby certify that the above information as abstracted from court documents is true and correct. The divorce annulment was rendered in the above matter on the _____ day of _____ Year _____.

Date

Signature ▶

Clerk of Superior Court

Assistant CSC

Deputy CSC

After printing form, please cut on dashed line
to create a form with the dimensions of 8.5 inches by 7 inches.

Judgment of Divorce

Please review this form. This form is for the Judge to use to make his/her final order in your case. You should insert the names of the parties and the case number and complete numbers three, six and complete number seven only if you are resuming a maiden name.

Please have this document added to your court file prior to getting your court date.

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
-CVD-

_____,)
Plaintiff (*print or type name here*))
)
vs.)
)
_____,)
Defendant (*print or type your spouse's name here*))
_____)

JUDGMENT OF DIVORCE

This cause, coming on to be heard and being heard before the undersigned judge presiding over the regularly scheduled, non-jury term of the District Court Division of the General Court of Justice for Mecklenburg County, North Carolina:

From the record in this cause, the Court finds the following facts:

1. This is an action for absolute divorce based on the separation of the Plaintiff and the Defendant for more than one year next preceding the institution of this action.
2. The Defendant has been properly served with the Summons and Complaint in this action, and properly noticed of the trial of this action as provided by law.
3. The Plaintiff and/or Defendant is a citizen and resident of North Carolina and has been such for more than six months next preceding the institution of this action.
4. The Plaintiff and Defendant were married to each other.
5. The Plaintiff and Defendant have lived separate and apart for more than one year preceding the institution of this action.
6. There were _____ minor children (*fill in "no" or number of children*) of the marriage.
7. (*For use when plaintiff requests name change*) That the plaintiff is allowed to resume use of the name _____.

Based on the foregoing findings of fact, the Court concludes as a matter of law that the Plaintiff is entitled to a divorce from the defendant. There is no genuine issue as to any material fact in this matter.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the bonds of matrimony heretofore existing between the Plaintiff and the Defendant be, and the same are hereby dissolved, and the Plaintiff and the Defendant are granted an absolute divorce from each other.

This the _____ day of _____, _____.

Judge Presiding