

TRO (TEMPORARY RESTRAINING ORDER) OR MOTION FOR RELIEF FROM JUDGMENT
LOCAL FORM CCF8-A, THE MOTIONS SECTION, (DOCUMENT 1) TWO PAGES
LOCAL FORM CCF8-B, THE NOTICE SECTION, (DOCUMENT 2) ONE PAGE

1. This form can be used to either stop something from happening a (TRO), Temporary Restraining Order & Preliminary Injunction.

-or-

2. This form can be used to get a relief from judgment.

If you have a lockout by the Sheriff in the future the forms purpose is a Temporary Restraining Order. Please circle the Temporary Restraining & Preliminary Injunction section of the form's title.

Please note: If you are in a lock out situation, you must submit the Temporary Restraining Order completed and notarized to the clerk. THE DEADLINE FOR SUBMISSION is no later than 4:00 pm THE DAY BEFORE THE LOCKOUT IS TO OCCUR. If you wait until the day of the lockout the court cannot give you a Temporary Restraining order. What can be given is a motion for Relief from Judgment. (This is the other purpose of this form). A motion for relief requires at least a 3 day notice to the other side before the judge can review it in open court.

This Packet Contains:

- Motions Forms Document 1, (page 1 and page 2). Page 2 requires notarization
- Notice of Motion Form Document 2 (1 page), to file requires a \$20 fee unless indigent.
- **Notary Public location: Any Bank (may charge a fee). The Self-service Center, Rm 3350 of the Courthouse (may charge a fee). The Register of Deeds, 720 E. Fourth St. Charlotte (may charge a fee)**

This motion form: must be completed with as much detail as possible, attach any and all evidence documents to support the information you put on this form. Again this form on page 2 must be notarized. ***You will not get a chance to see the judge. What you put on this form must explain your situation and the reason you should be given a Temporary Restraining Order.***

1. The Motion's Section Document 1 when finished make 2 copies of both pages including the evidence documents. Bring the completed copies to the JUDGMENTS window (3rd Floor Civil Department Room 3725).
 - a. The Clerk will file stamp the motion into the record.
 - b. Then go to Document 2 and fill out the time of the hearing that the clerk will give you (For the Temporary Restraining Order), (the cost \$20. Unless indigent).
 - c. Make two copies of the notice of hearing.
 - d. Bring all 3 copies of the notice of hearing to the clerk (JUDGMENTS WINDOW) for file stamping.
2. After all copies are file stamped, the Clerk will keep all originals and you will have two copies. One set of documents (the motion and the notice) should be served on the other side. The other set of documents will be for your records. **Service can be made by fax, email or hand delivery of all documents that is the motion with all supporting documents and the notice of hearing.**
3. **If the other side has an attorney, you must serve the attorney.**

REV: 5/31/18

Common/Caseflow Management Civil/Calendars/Forms and Instructions/2018 TRO and Relief CCF8

STATE OF NORTH CAROLINA
MECKLENBURG COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT

CASE # _____

(Plaintiff's Name)

vs.

**MOTION FOR RELIEF FROM
JUDGMENT, TEMPORARY
RESTRAINING ORDER &
P ELIMINARY INJUNCTION**

(Defendant's Name)

Now comes the Defendant Plaintiff (*Check One*) in the above action who moves the Court for a Motion for Relief from Judgment Temporary Restraining Order or Preliminary Injunction, (*Check One*) and in support thereof, shows unto the Court the following:

1. State what action/actions you wish to be stopped (use as much detail as possible)

2. State the legal reason you have as to why the Court should enter an order stopping the action/actions stated above.

3. If the court does not stop this action now, state what will happen to you that cannot be fixed later with money from the opposing party(s) :

4. State what efforts you took to try to stop the action/actions stated above, and state the opposing party's response to your efforts.

(efforts) _____

(response) _____

DATE: _____

(YOUR SIGNATURE)

STATE OF NORTH CAROLINA
MECKLENBURG COUNTY

VERIFICATION

PERSONALLY APPEARED before me, _____, who
(print your name here)

being duly sworn, deposes and says: That he/she has read the foregoing Motion and that all matters and things contained therein are true of his/her knowledge, saving and excepting those matters which are based upon information and belief, and as to those matters, he/she verily believes them to be true.

SIGNATURE (signed in front of Notary Public)

SWORN TO AND SUBSCRIBED before me

this the _____ day of _____, 20 ____.

Notary Public

My Commission Expires: _____.

STATE OF NORTH CAROLINA
MECKLENBURG COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT

CASE # _____

(Plaintiff's Name)

vs.

NOTICE OF MOTION FOR
RELIEF FROM JUDGMENT ,
TEMPORARY RESTRAINING ORDER
OR PRELIMINARY INJUNCTION

(Defendant's Name)

Please take notice that the Plaintiff's Defendant's (check one) motion for Relief from Judgment, Temporary, Restraining Order or Preliminary Injunction will be before the Court on _____, 20____, in Courtroom 6330, at _____ am pm or as soon thereafter as the Court can hear it.

This the _____ day of _____ 20 ____.

(Sign Name)

(Print Name)

(Identify Yourself as either Plaintiff or Defendant)

(Your Address)

(Your Phone Number)

CERTIFICATE OF SERVICE

This is to certify that the above notice was sent to the person identified below by Depositing in official US Mail Depository, First Class, Postage Prepaid this date of _____, 20____.

SERVED TO:

Name: _____

Address: _____

Phone Number: _____