

STATE OF NORTH CAROLINA

County

File No.

In The General Court Of Justice

District Superior Court Division

Name Of Plaintiff

VERSUS

Name Of Defendant

PETITION TO SUE/APPEAL/FILE MOTIONS AS AN INDIGENT

G.S. 1-110; 7A-228

AFFIDAVIT

(check one of the three boxes below)

- Petition To Sue - As a plaintiff in the above entitled action, I affirm that I am financially unable to advance the required costs for the prosecution of this action. Therefore, I now petition the Court for an order allowing me to bring suit in this action as an indigent.
I am an inmate in the custody of the Division of Adult Correction.
(Petition To File Motions - As a defendant debtor in the above entitled action, I affirm that I am financially unable to advance the required costs to file a motion. Therefore, I now petition the Court for an order allowing me to file my motion as an indigent.
Petition To Appeal - As the individual appellant in the above entitled small claims action, I affirm that I am financially unable to pay the cost for the appeal of this action from small claims to district court. Therefore, I now petition the Court for an order allowing me to appeal this action to district court as an indigent.)

(check one or more of the boxes below as applicable)

- I am presently a recipient of food stamps, Aid to Families With Dependent Children (AFDC), Supplemental Security Income (SSI).
I am represented by a legal services organization that has as its primary purpose the furnishing of legal services to indigent persons, or I am represented by private counsel working on behalf of such a legal services organization. (Attach a letter from your legal services attorney or have your attorney sign the certificate below.)
Although I am not a recipient of food stamps, AFDC, or SSI, nor am I represented by legal services, I am financially unable to advance the costs of filing this action or appeal.

SWORN AND SUBSCRIBED TO BEFORE ME

Date

Date

Signature

Signature Of Petitioner

Title Of Person Authorized To Administer Oaths

Name And Address Of Petitioner (Type Or Print)

Date Commission Expires

SEAL

CERTIFICATE OF LEGAL SERVICES/PRO BONO REPRESENTATION

I certify that the above named petitioner is represented by a legal services organization that has as its primary purpose the furnishing of legal services to indigent persons or is represented by private counsel working on behalf of or under the auspices of such legal services organization.

Date

Signature

Name And Address (Type Or Print)

ORDER

Based on the Affidavit appearing above, it is ORDERED that:

- the petitioner is authorized to bring suit, to appeal, or file motions in this action as an indigent.
the petition is denied.

Date

Signature

Assistant CSC

Clerk Of Superior Court

Judge

Magistrate (for appeal only)

NOTE TO CLERK: If the petitioner is NOT a recipient of food stamps, AFDC, SSI or is NOT represented by legal services or a private attorney on behalf of legal services, you may ask for additional financial information to determine whether the petitioner is unable to pay the costs.

ORDER - DAC INMATES

The undersigned superior court judge of this district finds that the petitioner is an inmate in the custody of the Division of Adult Correction and that the complaint

- is not frivolous.
- is frivolous.

It is ORDERED that

- the petitioner is authorized to sue in this action as an indigent.
- the petitioner is not authorized to sue as an indigent.
- the action is dismissed.

Date	Name Of Superior Court Judge (Type Or Print)	Signature Of Superior Court Judge
------	--	-----------------------------------

CERTIFICATION

I certify that this Petition has been served on the party named by depositing a copy in a post-paid properly addressed envelope in a post office or official depository under the exclusive care and custody of the United States Postal Service.

Date	Signature	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court
------	-----------	---

NOTE: G.S. 1-110(b) provides: "The Clerk of Superior Court shall serve a copy of the order of dismissal upon the prison inmate."

(TYPE OR PRINT IN BLACK INK) In The General Court Of Justice

District Superior Court Division

File No.

STATE OF NORTH CAROLINA

County

Additional File Nos.

Name Of Applicant

AFFIDAVIT OF INDIGENCY

Street Number And Street Name, Including Apartment Or Unit Number If Applicable

G.S. 7A-450 et seq.

City, State And Zip Code

Offense(s)

Full Permanent Mailing Address Of Applicant (If Different Than Above)

Applicant: Do you have other pending criminal charge(s) in which a lawyer has been appointed? Yes No
Name Of Lawyer

Telephone Number Of Applicant

Date Of Birth

Full Social Security No. Of Applicant

Has No Social Security No.

Defendant Parent/Guardian/Trustee

MONTHLY INCOME (money you make)

MONTHLY EXPENSES (money you pay out)

Employment - Applicant \$

Number Of Dependents

Name And Address Of Applicant's Employer
(If not employed, state reason; if self-employed, state trade)

Shelter Buying Renting \$

Food (including Food Stamps) \$

Utilities
(power, water, heating, phone, cable, etc.) \$

Other Income (Welfare, Food Stamps, S/S, Pensions, etc.) \$

Health Care \$

Employment - Spouse \$

Installment Payments
 Vehicle Other \$

Name And Address Of Spouse's Employer

Car Expenses
(gas, insurance, etc.) \$

Support Payments \$

Other: (specify) \$

Total Monthly Income \$

Total Monthly Expenses \$

DESCRIPTION OF ASSETS AND LIABILITIES

ASSETS (things you own)

LIABILITIES (amounts you owe)

Cash On Hand And In Bank Accounts
(List Name Of Bank & Account No.)

\$

Money Owed To Or Held For Applicant

\$

Motor Vehicles (List Make, Model, Year)

(Fair Market Value)

(Balance Due)

\$ \$

Real Estate

(Fair Market Value)

(Balance Due)

\$ \$

Personal Property

(Fair Market Value)

(Balance Due)

\$ \$

Other Debts

\$

Last Income Tax Filed 20 _____ Refund Owe

\$ \$

Other

\$ \$

Total Assets And Liabilities

\$ \$

Bond Type

Amount

By Whom Posted

NOTE: Read the notice on the reverse side before completing this form.

NOTICE TO PERSONS REQUESTING A COURT-APPOINTED LAWYER

1. When answering the questions on the Affidavit Of Indigency (*reverse side of this form*), please do not discuss your case with the interviewer. The interviewer can be called as a witness to testify about any statements made in his/her presence. Please wait and speak with your lawyer. Do not ask the interviewer for any advice or opinion concerning your case.

2. **A court-appointed lawyer is not free. If you are convicted or plead guilty or no contest, you may be required to repay the cost of your lawyer as a part of your sentence. The Court may also enter a civil judgment against you, which will accrue interest at the legal rate set out in G.S. 24-1 from the date of the entry of judgment. Your North Carolina Tax Refund may be taken to pay for the cost of your court-appointed lawyer. In addition, if you are convicted or plead guilty or no contest, the Court must charge you an attorney appointment fee and may enter this fee as a civil judgment against you pursuant to G.S. 7A-455.1.**

3. The information you provide may be verified, and your signature below will serve as a release permitting the interviewer to contact your creditors, employers, family members, and others concerning your eligibility for a court-appointed lawyer. A false or dishonest answer concerning your financial status could lead to prosecution for perjury. See G.S. 7A-456(a) ("A false material statement made by a person under oath or affirmation in regard to the question of his indigency constitutes a Class I felony.").

Under penalty of perjury, I declare that the information provided on this form is true and correct to the best of my knowledge, and that I am financially unable to employ a lawyer to represent me. I now request the Court to assign a lawyer to represent me in this case. I authorize the Court to contact my creditors, employers, or family members, any governmental agencies or any other entities listed below concerning my eligibility for a court-appointed lawyer.

I further authorize my creditors, employers, or family members, any governmental agencies or any other entities listed below to release financial information concerning my eligibility for a court-appointed lawyer upon request of the Court.

Governmental Agencies Or Other Entities Authorized To Be Contacted And/Or To Release Information

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME		<i>Date</i>
<i>Date</i>	<i>Signature</i>	<i>Signature Of Applicant</i>
<input type="checkbox"/> <i>Deputy CSC</i> <input type="checkbox"/> <i>Assistant CSC</i> <input type="checkbox"/> <i>Clerk Of Superior Court</i> <input type="checkbox"/> <i>Magistrate</i>		<i>Name Of Applicant (Type Or Print)</i>
<input type="checkbox"/> <i>Notary</i>	<i>Date My Commission Expires</i>	<input type="checkbox"/> <i>Defendant</i> <input type="checkbox"/> <i>Parent/Guardian/Trustee</i> <input type="checkbox"/> _____
SEAL	<i>County Where Notarized</i>	

NOTE: *If you are less than 18 years old, or if you are at least 18 years old but remain dependent on and live with a parent or guardian, state name and address of parent, guardian or trustee below.*

<i>Name Of Parent/Guardian Or Trustee</i>
<i>Address</i>
<i>City, State, Zip</i>

STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice
District Court Division

Name And Address Of Plaintiff 1

Name And Address Of Plaintiff 2

DOMESTIC CIVIL ACTION COVER SHEET

INITIAL FILING SUBSEQUENT FILING

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

VERSUS

Jury Demanded In Pleading? No Yes

Name Of Defendant 1

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

Summons Submitted Yes No

Telephone No.

Cellular Telephone No.

Name Of Defendant 2

NC Attorney Bar No. Attorney E-Mail Address

Initial Appearance in Case Change of Address

Summons Submitted Yes No

Name Of Firm

Counsel for All Plaintiffs All Defendants Only (List party(ies) represented)

FAX No.

TYPE OF PLEADING

CLAIMS FOR RELIEF

(check all that apply)

(check all that apply)

- Amended Answer/Reply (AMND-Response)
Amended Complaint (AMND)
Answer/Reply (ANSW-Response)
Complaint (COMP)
Confession Of Judgment (CNFJ)
Contempt (CNTP)
Continue (CNTN)
Compel (CMPL)
Counterclaim vs. (CTCL) Assess Counterclaim Costs
Extend Time For An Answer (MEOT-Response)
Modification Of Alimony (MALI)
Modification Of Custody (MCUS)
Modification Of Support in non-IV-D cases (MSUP)
Modification Of Visitation (MVIS)
Rule 12 Motion In Lieu Of Answer (MDLA)
Sanctions (SANC)
Show Cause (SHOW)
Transfer (TRFR)
Vacate/Modify Judgment or Order (VCMD)
Other (OTHR):

- Alimony (ALIM)
Annulment (ANUL)
Child Support (CSUP)
Custody (CUST)
Divorce (DIVR)
Divorce From Bed And Board (DIVB)
Domestic Violence (DOME)
Equitable Distribution (EQU)
Medical Coverage (MEDC)
Paternity (PATR)
Possession Of Personal Property (POPP)
Post Separation Support (PSSU)
Reimbursement For Public Assistance (RPPA)
Visitation (VIST)
Other: (specify and list separately)

Date

Signature Of Attorney/Party

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.

STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice

Name And Address Of Plaintiff

VERSUS

Name And Address Of Defendant

SERVICEMEMBERS CIVIL RELIEF ACT AFFIDAVIT

50 U.S.C. 3901 to 4043

NOTE: This form is not for use in Chapter 45 Foreclosure actions.

AFFIDAVIT

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

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

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

2. (check one or more of the following)

- a. I have/have not used the Servicemembers Civil Relief Act Website... The results from my use of that website are attached.

NOTE: The Servicemembers Civil Relief Act Website is a website maintained by the Department of Defense (DoD). If DoD security certificates are not installed on your computer, you may experience security alerts from your internet browser when you attempt to access the website.

- b. The following facts support my statement as to the defendant's military service: (State how you know the defendant is not in the military. Be specific.)

Blank lines for providing facts supporting the statement.

*NOTE: The term "military service" includes the following: active duty service as a member of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard; service as a member of the National Guard under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days for purposes of responding to a national emergency; active service as a commissioned officer of the Public Health Service or of the National Oceanic and Atmospheric Administration; any period of service during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause. 50 U.S.C. 3911(2).

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Date

Date

Signature Of Affiant

Signature Of Person Authorized To Administer Oaths

Name Of Affiant (type or print)

- Deputy CSC, Assistant CSC, Clerk Of Superior Court, Magistrate

SEAL

Notary

Date My Commission Expires

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

(Over)

Information About Servicemembers Civil Relief Act Affidavits

1. Plaintiff to file affidavit

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

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

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

2. Appointment of attorney to represent defendant in military service

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

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

3. Defendant's military status not ascertained by affidavit

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

4. Satisfaction of requirement for affidavit

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

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

5. Penalty for making or using false affidavit

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

Instructions for "Serving" the Defendant

The words "service" or "servicing" are legal terms that mean delivering the court papers to the Defendant. You CANNOT hand deliver the papers. You must serve the Defendant as required by North Carolina law and have legal proof that the Complaint and Civil Summons were delivered to the Defendant.

Ways to serve the court papers on the Defendant include:

By Sheriff: The easiest method is to have the Sheriff in the county where the Defendant lives or works serve the Defendant for you. To do this, pay a \$15.00 fee to the Sheriff of the county where the Defendant lives or works and they will deliver the papers for you. If you are indigent, this fee may be waived. The clerk will direct you as to what documents to take to the Sheriff's office or may deliver the documents for you. (The fee is subject to future increase so always ask the Clerk or Sheriff how much the service fee will be.)

By Certified Mail: To serve the Defendant by mail, you need to mail the Complaint and Civil Summons to the Defendant's mailing address by Certified or Registered Mail, Return Receipt Requested. Once the green receipt is returned to you, you must complete and file with the court an "Affidavit of Return of Service by Certified Mail." (A sample form follows this section.)

By Acceptance of Service: The Defendant may also sign a sworn statement before a Notary Public that he/she received the Complaint and Civil Summons. (This type of statement is not included in the Pro Se packet. The Defendant is responsible for preparing and filing this statement with the Court.)

By Publication: If you have made all possible efforts to find the Defendant, and still cannot locate his or her address, you may also consider serving the Defendant by publication in the newspaper. This type of service is not recommended and additional forms will be necessary to file with the newspaper and the court. (It is up to you to get these forms from an attorney or the Clerk of Court. They are not available on the court's website.)

STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice
District Superior Court Division

Name Of Plaintiff
Address
City, State, Zip

CIVIL SUMMONS
ALIAS AND PLURIES SUMMONS (ASSESS FEE)

G.S. 1A-1, Rules 3 and 4

VERSUS
Name Of Defendant(s)

Date Original Summons Issued
Date(s) Subsequent Summons(es) Issued

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1

Name And Address Of Defendant 2

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

- 1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (if none, Address Of Plaintiff)

Date Issued Time AM PM

Signature

Deputy CSC Assistant CSC Clerk Of Superior Court

ENDORSEMENT (ASSESS FEE)

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement Time AM PM

Signature

Deputy CSC Assistant CSC Clerk Of Superior Court

NOTE TO PARTIES: Many counties have MANDATORY ARBITRATION programs in which most cases where the amount in controversy is \$25,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

(Over)

RETURN OF SERVICE

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

DEFENDANT 1

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

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

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

- Other manner of service (specify)

- Defendant WAS NOT served for the following reason:

DEFENDANT 2

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

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

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

- Other manner of service (specify)

- Defendant WAS NOT served for the following reason:

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

NORTH CAROLINA
DURHAM COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
2016 CVD 1234

Kermit the Frog,)
 Plaintiff,)
)
)
)
)
)
)
Miss Piggy,)
 Defendant.)

AFFIDAVIT OF SERVICE OF
PROCESS BY CERTIFIED MAIL

The undersigned attorney, being duly sworn, deposes and says:

- 1. That she is the attorney of record for the Plaintiff in this matter;
- 2. That a copy of the Complaint and Civil Summons was sent by certified mail, return receipt requested, to the Defendant, Miss Piggy. A copy of the receipt is attached hereto as Exhibit A;
- 3. As evidenced by the USPS Track & Confirm, Exhibit B, the Defendant was duly served a copy of the summons and complaint on July 4th, 2016.

This the 5th day of July 2016.

Sam McCoy
Attorney for Plaintiff
4819 Emperor Blvd.
Durham, N.C. 27703
Telephone: (919)123-4567
State Bar #39127

VERIFICATION

Sam McCoy, being first duly sworn, deposes and says that she is the Affiant, representing the Plaintiff in the above entitled action; that based on personal knowledge the foregoing Affidavit of Service of Process by Certified Mail is true.

Sam McCoy

County: _____

Sworn to and subscribed before me this the 5th day of July, 2016.

Name of Notary

Signature of Notary

My Commission Expires: _____

NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO. _____

_____, Plaintiff,
v.
_____, Defendant.

AFFIDAVIT OF SERVICE OF PROCESS

Pursuant to North Carolina Rules of Civil Procedure Rule 4(j), I hereby certify that I am the Plaintiff herein and that I served the Defendant in this action with a copy of the Complaint and Summons in this case. The Defendant has been served by **REGISTERED/CERTIFIED MAIL, RETURN RECEIPT REQUESTED** at the following address:

Further, that the Complaint and Summons were in fact received by the Defendant on _____ (*insert date of receipt*) as evidenced by the attached genuine receipt. (*Attach the original green return receipt or electronic proof of signature confirmation.*)

This the _____ day of _____, 20_____.

- _____
 Plaintiff
 Attorney for Plaintiff

VERIFICATION

_____, being first duly sworn, deposes and says that he/she is the _____ in the above-entitled action, that he/she has read the foregoing document and knows the contents thereof, that the same are true of his/her own knowledge, except as to those matters and things stated upon belief, and as to those matters and things, he/she believes them to be true.

I certify that the following person personally appeared before me this day, and I have personal knowledge of the identity of the principal I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a _____ a credible witness has sworn to the identity of the principal; acknowledging to me that he/she voluntarily signed the foregoing document for the purpose stated therein, and in the capacity indicated: _____

Date: _____ (SEAL)

_____, Notary Public

(Official Seal)

My commission expires: _____

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Affidavit of Service of Process has been served on the Defendant/Defendant's counsel in the following manner:

By depositing a copy in the US Mail in a properly addressed, postpaid envelope to: _____

By hand delivery to: _____

By facsimile to: _____ Fax No.: _____

Other: _____

Date: _____

Plaintiff
 Attorney for Plaintiff

NORTH CAROLINA
GUILFORD COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO. ___ CVD _____

_____,
Plaintiff,

vs.

ACCEPTANCE OF SERVICE

_____,
Defendant.

Pursuant to the provisions of North Carolina Gen. Stat. § 1A1, Rule 4(j5), I hereby acknowledge receipt of a copy of the (1) Civil Summons issued on _____, 20__;
(2) the Complaint for Absolute Divorce filed _____, 20__; and (3)
Servicemembers Civil Relief Act Affidavit filed _____, 20__; and by my
signature affixed hereto, I accept service of process on the date hereinafter noted, and I
understand that by my acceptance of service of process that I have subjected myself to the
personal jurisdiction of the Court.

This the ___ day of _____, 2016.

[Affiant], Defendant

(Please print your address)

NORTH CAROLINA
GUILFORD COUNTY

I, _____, a Notary Public of the State of North Carolina and
County of _____, certify that ___[Affiant]___ personally appeared before me
this day and at the same time and place all of the following occurred: (a) the aforesaid individual
appeared in person before me; (b) the aforesaid individual was personally known to me, or
identified by me through satisfactory evidence; and (c) the aforesaid individual either indicated
and acknowledged to me that the signature on the above document was his/hers, or signed the
above document while in my physical presence, and while being personally observed by me
doing so.

Date

Signature of Notary Public

(Official Seal)

My Commission Expires: _____

NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
10 CVD 00000

DONNA McDIVORCE,)
 Plaintiff,)
)
 v.)
)
DARRYL McDIVORCE,)
 Defendant.)

ACCEPTANCE OF SERVICE

Defendant Darryl McDivorce hereby accepts service of this process and acknowledges receipt of a copy of the Complaint in this action pending in the General Court of Justice, District Court Division, Wake County, North Carolina, and service by an officer or otherwise is hereby expressly waived. It is his understanding this Acceptance of Service is executed in accordance with Rule 4(j)(1) of the Rules of Civil Procedure and that this Acceptance shall have the same force and effect as would exist had the process been served upon him by personal delivery of a copy of the Civil Summon and Complaint.

This the _____ day of _____ 2010.

Mr. Darryl McDivorce
0001 Nice Drive
Wilmington, North Carolina 28409
Pro-Se Defendant

STATE OF NORTH CAROLINA
COUNTY OF WAKE

The undersigned does hereby certify that Darryl McDivorce personally appeared before me this day and acknowledged the due execution of the foregoing Acceptance of Service for the purpose stated therein.

Witness my hand and notarial seal, this _____ day of _____, 2010.

_____, Notary Public
(Official Seal)

_____, Notary Public
(Print Name)

My Commission Expires: _____

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

_____ COUNTY

FILE NO. _____

Plaintiff,

vs.

Defendant.

)
)
)
)
)
)
)
)
)
)
)

ACCEPTANCE OF SERVICE
AND
WAIVER OF RESPONSIVE
PLEADING

The Defendant, _____, named in the within summons issued by the General Court of Justice, District Court Division, County of _____, State of North Carolina, in an action entitled _____ vs. _____ respectfully shown the Court:

1. That he/she is the Defendant, the party to be served in the within summons;
2. That by the execution hereof he/she hereby accepts service of said summons and acknowledges the receipt of the original summons and a copy of the summons and Complaint, request for admission, or other pleadings filed in said action;
3. That he/she hereby submits to the jurisdiction of the General Court of Justice, District Court Division, County of _____, State of North Carolina, in order that this acceptance and admission shall, and it does hereby, constitute a general appearance by the undersigned for all purposes; and
4. That the Defendant further waives further responsive pleadings, Request an Absolute Divorce and waives all notice requirements.

This _____ day of _____, 20_____.

NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO. ____

_____ , Plaintiff,
v.
_____ , Defendant.

**AFFIDAVIT OF DUE DILIGENCE
(PUBLICATION)**

The Plaintiff, first being duly sworn and deposes, and states:

1. That I am a citizen and resident of Wake County, North Carolina and am the Plaintiff herein. _____
2. That pursuant to the North Carolina Rules of Civil Procedure Rule 4(j1), I exercised due diligence and made great efforts to locate the whereabouts of the Defendant consisting of *(List all steps taken to locate the Defendant such as internet search, calling family or friends, DMV search, phone book, private investigator, background checks, etc.)*:

3. That based upon my due diligence, it is my belief that Defendant's last known location was in _____ County *(insert name of County)*, in the State of _____ *(insert name of State)*
4. That despite such efforts, the exact whereabouts of the Defendant are still unknown. As a result, circumstances warrant the use of Service by Publication.
5. That Notice of Service of Process to the Defendant was published in the _____ *(insert name of Newspaper or publication)* asking the Defendant to respond, published in _____ County *(insert name of County)*, in the State of _____ *(insert name of State)*. An Affidavit of Publication is attached and incorporated herein by reference. *(Attach Affidavit provided by the newspaper/publication.)*

Plaintiff

STATE OF NORTH CAROLINA

COUNTY OF _____

Sworn to and subscribed before me this day by _____ (I have personal knowledge of the identity of the principal(s), or I have seen satisfactory evidence of the principal's identity, in the form of a current state or federal identification with the principal's photograph).

This the _____ day of _____, 20_____.

My Commission Expires: _____

_____ Notary Public

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Affidavit of ~~Due Diligence has been served on the~~ _____ Defendant through filing a copy of this Affidavit of Due Diligence with the Wake County Clerk of Court.

Date: _____

- Plaintiff
 Defendant

NORTH CAROLINA
GUILFORD COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO. ____ CVD ____

Plaintiff,

vs.

Defendant.

NOTICE OF SERVICE BY
PUBLICATION AND
NOTICE OF HEARING

TO: _____

(Defendant/Respondent)

Take notice that a pleading seeking relief against you has been filed in the above-entitled action. The nature of the relief being sought is: _____.

You are hereby notified of a hearing scheduled for 9:00 a.m. on _____, 2016, in the District Court at the Guilford County Courthouse (High Point Division), in Courtroom _____, located at 505 E. Green Drive, High Point, North Carolina 27262, regarding the final disposition of the [*relief sought*]. You are required to be present at this hearing.

This the ____ day of _____, 2016.

[LAW FIRM]
Attorneys for Plaintiff

By: [*Printed Name of Attorney*], NCSB # _____

OF COUNSEL:
[LAW FIRM]

Telephone: _____

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO.

DONNA McDIVORCE,)
Plaintiff,)
)
Vs.)
)
DARRYL McDIVORCE,)
Defendant.)
)

**COMPLAINT FOR
ABSOLUTE DIVORCE**

The Plaintiff, complaining of Defendant, says:

1. Plaintiff is a resident of Wake County, North Carolina, and has been for more than six months next preceding the filing of this complaint.
2. Defendant is a resident of New Hanover County, North Carolina, and has been for more than six months next preceding the filing of this complaint.
3. Plaintiff and Defendant were married to each other on November 1, 2007, and thereafter lived together as husband and wife.
4. The parties separated from each other on November 5, 2007. At the time of the parties separation, it was the intent of at least one of the parties to end their marital cohabitation.
5. Since November 5, 2007, Plaintiff and Defendant have continued to live separate and apart from the other and at no time have they resumed the marital relationship that formerly existed between them.
6. There were no children born of the marriage of the parties.
7. Plaintiff wishes to resume the use of her maiden name, which is Donna I'Single.
8. Upon personal knowledge, the Plaintiff states that the Defendant is not a member of the Army, Navy, Air Force, Marine Corp, or Coast Guard.

WHEREFORE, Plaintiff respectfully requests that the Court:

1. Dissolve the bonds of matrimony heretofore existing between the Plaintiff and Defendant and grant Plaintiff an absolute divorce from Defendant;

2. Allow Plaintiff to resume the use of her maiden name, Donna I'Single;
3. Grant unto Plaintiff such other and further relief as the Court deems just and proper.

This the _____ day of _____, 2014.

N.C. Bar No.:
Attorney for Plaintiff

VERIFICATION

I, DONNA McDIVORCE, being first duly sworn, depose and say that I am the Plaintiff in the above-entitled action; and that I have read the foregoing Complaint and that the same is true of my own knowledge except as to those matters and things therein stated upon information and belief and as to those I believe them to be true.

This the _____ day of _____, 2014.

DONNA McDIVORCE
Plaintiff

Sworn to and subscribed before me,

This the _____ day of _____, 2014.

NOTARY PUBLIC

My commission expires: _____

STATE OF NORTH CAROLINA
COUNTY OF _____

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
File No.

Plaintiff,)
vs.)

Defendant)
COMPLAINT FOR ABSOLUTE DIVORCE

The Plaintiff, complaining of the Defendant, alleges:

1. The Plaintiff is a citizen and resident of _____ County, North Carolina and has been a citizen and resident of North Carolina for at least six (6) months immediately preceding the institution of this action.
2. The Defendant is a citizen and resident of _____ County, North Carolina.
3. The Plaintiff and Defendant were married on or about _____ (*date of marriage*) and thereafter they lived together as husband and wife until on or about _____ (*date of separation*) at which time they separated.
4. That since the date of separation stated above, the Plaintiff and Defendant have lived continuously separate and apart from each other, and at no time have they resume the marital relation that formerly existed between them.
5. At the time of the separation, the Plaintiff intended the separation to be permanent.
6. That there were: (check one) No children born of the marriage.
 _____ children born to the marriage of the parties,
namely: _____

(*names and birth dates of children*)
7. Check here if the children born of the marriage are minors. The minor children reside with _____ (*name of party*) at _____, _____ (*address*).
8. That Plaintiff, whether husband or wife, acknowledged that he/she is not demanding of Defendant alimony or equitable distribution and he/she acknowledges that unless

such claims are asserted by one or the other or both parties before Judgment is entered on this complaint, he/she is forever waiving and discharging any claim against Defendant for alimony and/or equitable distribution by obtaining an absolute divorce.

9. (*check, if applicable*) The Plaintiff desires to resume the use of her maiden name, _____.

WHEREFORE, Plaintiff respectfully requests that the bonds of matrimony which have existed between the parties be dissolved and that he/she be granted an absolute divorce from the Defendant.

This the _____ day of _____, 20____.

(Name of Plaintiff)

(Address of Plaintiff)

(City, State, Zip Code)

NORTH CAROLINA

_____ COUNTY

VERIFICATION

_____, first being duly sworn, deposes and says that he/she has read the foregoing Complaint for Divorce and the same is true of his/her own knowledge and belief, except those matters and things alleged therein on information and belief, and as to those she believes them to be true.

(Name of Plaintiff)

STATE OF NORTH CAROLINA
COUNTY OF _____

On this _____ day of _____, 20____, personally appeared before me the said _____, to me known and known to me to be the person described in and who executed the foregoing instrument and he/she acknowledged that he/she executed the same and being duly sworn by me, made oath that the statements in the foregoing instrument are true.

My commission expires: _____

Notary Public (Signature) (SEAL)

Typed/Printed Name of Notary

§ 50-6. Divorce after separation of one year on application of either party.

Marriages may be dissolved and the parties thereto divorced from the bonds of matrimony on the application of either party, if and when the husband and wife have lived separate and apart for one year, and the plaintiff or defendant in the suit for divorce has resided in the State for a period of six months. A divorce under this section shall not be barred to either party by any defense or plea based upon any provision of G.S. 50-7, a plea of res judicata, or a plea of recrimination. Notwithstanding the provisions of G.S. 50-11, or of the common law, a divorce under this section shall not affect the rights of a dependent spouse with respect to alimony which have been asserted in the action or any other pending action.

Whether there has been a resumption of marital relations during the period of separation shall be determined pursuant to G.S. 52-10.2. Isolated incidents of sexual intercourse between the parties shall not toll the statutory period required for divorce predicated on separation of one year. (1931, c. 72; 1933, c. 163; 1937, c. 100, ss. 1, 2; 1943, c. 448, s. 3; 1949, c. 264, s. 3; 1965, c. 636, s. 2; 1977, c. 817, s. 1; 1977, 2nd Sess., c. 1190, s. 1; 1979, c. 709, s. 1; 1981, c. 182; 1983, c. 613, s. 2; c. 923, s. 217; 1987, c. 664, s. 2.)

§ 50-7. Grounds for divorce from bed and board.

The court may grant divorces from bed and board on application of the party injured, made as by law provided, in the following cases if either party:

- (1) Abandons his or her family.
- (2) Maliciously turns the other out of doors.
- (3) By cruel or barbarous treatment endangers the life of the other. In addition, the court may grant the victim of such treatment the remedies available under G.S. 50B-1, et seq.
- (4) Offers such indignities to the person of the other as to render his or her condition intolerable and life burdensome.
- (5) Becomes an excessive user of alcohol or drugs so as to render the condition of the other spouse intolerable and the life of that spouse burdensome.
- (6) Commits adultery. (1871-2, c. 193, s. 36; Code, s. 1286; Rev., s. 1562; C.S., s. 1660; 1967, c. 1152, s. 7; 1971, c. 1185, s. 22; 1979, c. 561, s. 5; 1985, c. 574, ss. 1, 2.)

§ 50-11. Effects of absolute divorce.

(a) After a judgment of divorce from the bonds of matrimony, all rights arising out of the marriage shall cease and determine except as hereinafter set out, and either party may marry again without restriction arising from the dissolved marriage.

(b) No judgment of divorce shall cause any child in esse or begotten of the body of the wife during coverture to be treated as a child born out of wedlock.

(c) A divorce obtained pursuant to G.S. 50-5.1 or G.S. 50-6 shall not affect the rights of either spouse with respect to any action for alimony or postseparation support pending at the time the judgment for divorce is granted. Furthermore, a judgment of absolute divorce shall not impair or destroy the right of a spouse to receive alimony or postseparation support or affect any other rights provided for such spouse under any judgment or decree of a court rendered before or at the time of the judgment of absolute divorce.

(d) A divorce obtained outside the State in an action in which jurisdiction over the person of the dependent spouse was not obtained shall not impair or destroy the right of the dependent spouse to alimony as provided by the laws of this State.

(e) An absolute divorce obtained within this State shall destroy the right of a spouse to equitable distribution under G.S. 50-20 unless the right is asserted prior to judgment of absolute divorce; except, the defendant may bring an action or file a motion in the cause for equitable distribution within six months from the date of the judgment in such a case if service of process upon the defendant was by publication pursuant to G.S. 1A-1, Rule 4 and the defendant failed to appear in the action for divorce.

(f) An absolute divorce by a court that lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of the property shall not destroy the right of a spouse to equitable distribution under G.S. 50-20 if an action or motion in the cause is filed within six months after the judgment of divorce is entered. The validity of such divorce may be attacked in the action for equitable distribution. (1871-2, c. 193, s. 43; Code, s. 1295; Rev., s. 1569; 1919, c. 204; C.S., s. 1663; 1953, c. 1313; 1955, c. 872, s. 1; 1967, c. 1152, s. 3; 1981, c. 190; c. 815, s. 2; 1987, c. 844, s. 3; 1991, c. 569, s. 2; 1995, c. 319, s. 8; 1998-217, s. 7(a), (b); 2013-198, s. 24.)

NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO. _____

Assigned Judge: _____

_____ , Plaintiff,
v.
_____ , Defendant.

NOTICE OF HEARING

First Subsequent

PLEASE TAKE NOTICE that on the _____ day of _____, _____ at _____, or as soon thereafter as the Court can hear this matter, in Courtroom _____ of the Wake County Courthouse, 316 Fayetteville Street, Raleigh, North Carolina 27601, the undersigned will bring the following for hearing:

(State the nature of the hearing – e.g. Trial on Custody, Temporary Hearing on Child Support, Hearing on Motion to Modify Custody, Hearing on Motion to Withdraw as Attorney of Record, etc.)

This the _____ day of _____, 20____.

<input type="checkbox"/> Plaintiff	<input type="checkbox"/> Defendant
<input type="checkbox"/> Attorney for Plaintiff	<input type="checkbox"/> Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Notice of Hearing has been served on the opposing party/counsel in the following manner:

By depositing a copy in the US Mail in a properly addressed, postpaid envelope to:

By hand delivery to: _____

By facsimile to: _____ Fax No.: _____

Other: _____

Date: _____

Plaintiff

Attorney for Plaintiff

Defendant

Attorney for Defendant

NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO. _____

_____ , Plaintiff,
v.
_____ , Defendant.

NOTICE OF DIVORCE HEARING
 First Subsequent

****NOTICE OF HEARING FEE WITH MOTION FOR SUMMARY JUDGMENT - \$20****

All uncontested divorces (without request for incorporation of separation agreement) and motions for summary judgment in divorce cases may be set by this notice. Divorces with attorneys will be heard at 9:00 a.m. on FRIDAYS in Courtroom 5B, and divorces without attorneys (i.e., self-represented persons) will be heard at 10:30 a.m. on FRIDAYS in Courtroom 5B.

All information (front and back) must be filled out on this sheet.

NOTICE TO INDIVIDUALS WITHOUT ATTORNEYS:
You must follow the instructions listed below

- The earliest date your divorce hearing may be scheduled is the first FRIDAY 31 days AFTER the Summons and Complaint were served on your spouse. If that date falls on a Court holiday, you will need to select another Friday. If you arranged for Sheriff's service, you will receive a small white card from the Clerk of Superior Court showing the date of service. If you chose a different method of service, you will need to provide proof to the Court as to when you served the Defendant. See Rule 4 Instructions for Initial Service of the Summons and Complaint on Defendant.
- Complete both sides of this Notice of Hearing and take three (3) copies to the Clerk's Office located on the 1st floor of the Wake County Courthouse. Have all three copies file stamped. Leave one copy with the Clerk, serve one copy on your spouse, and keep one copy for yourself. This Notice must be served on your spouse at least 5 business days prior to the scheduled hearing (excluding weekends or court holidays). Service of this Notice may be made by sending it via U.S. mail in a properly addressed envelope, postpaid, to your spouse's last known address, by delivery to your spouse's attorney of record, or by hand delivery to your spouse. See Rule 5 of the North Carolina Rules of Civil Procedure.
- If you are seeking summary judgment rather than a divorce hearing, you must also file a motion for summary judgment. The motion must be served on the other party at least 10 days prior to the hearing.
- On the date designated in blank #2 below, come to **Courtroom 5B** and be seated. The cases will be called in numerical order. Please bring **THREE** copies of the **JUDGMENT FOR ABSOLUTE DIVORCE**. At the hearing, you will be given a Certificate of Absolute Divorce that must be filled out on the date of the hearing in **Black Ink**.

Information to be filled out:

1. Please check one: summary judgment divorce uncontested divorce
2. Date requested for divorce hearing: _____
3. Has a copy been sent to the other party? Yes No
4. Is an attorney filing this Notice? Yes No

YOU MUST COMPLETE THE CERTIFICATE OF SERVICE ON THE BACK

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Notice of Hearing has been served on the all parties/counsel in the following manner:

By depositing a copy in the US Mail in a properly addressed, postpaid envelope to: _____

By hand delivery to: _____

Other: _____

Date: _____

(Signature)

(Printed name)

Plaintiff

Defendant

Attorney for Plaintiff

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the ____ day of _____ 2010, the foregoing Motion for Summary Judgment was served on Defendant by United States mail, postage prepaid to the following:

Mr. Darryl McDivorce
0001 Nice Drive
Wilmington, North Carolina 28409
Pro-Se Defendant

The Best Law Firm

Linda Best
Attorney for Plaintiff
NCBA No. 4376
100 Orchid Street
Raleigh, North Carolina 27615
Telephone: (919) 327-2009

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO. 10 CVD 00000

JOHN L. JOHNSON,
Plaintiff,

VS.

MOTION FOR ENTRY OF JUDGMENT
AND ENTRY OF JUDGMENT

BRENDA JOHNSON,
Defendant,

COMES NOW the Plaintiff, through undersigned counsel, and moves the clerk pursuant to N.C.G.S. 50-10 to enter a judgment of divorce based on the Plaintiff's Complaint for absolute divorce. The uncontested facts are as follows:

1. This is an action for absolute divorce on the grounds of one year's separation;
2. Plaintiff is a citizen and resident of Wake County, North Carolina and has been a resident of the State of North Carolina for more than six (6) months next preceding the institution of this action.
3. Defendant's is a citizen and resident of Wake County, North Carolina.
4. The Plaintiff and Defendant were married on or about June 7, 2008, separated from each other on April 9, 2009. Since that time, they have lived continuously separate and apart, and they have at no time the marital relationship.
5. There were no children born of the marriage.
6. Neither party is a minor or an incompetent person.
7. This action was instituted by filing a Summons and Complaint on or about May 5, 2010.

8. Defendant failed to appear and answer and is now in default.

WHEREFORE, the Plaintiff prays:

1. That entry of default be granted.
2. That the clerk enter a judgment of divorce.

This the _____ day of June 2010.

Linda Best
Attorney for Plaintiff
N.C. State Bar No. 4373
100 Orchid St.
Raleigh, NC 27615

THIS CAUSE coming on for hearing on the above Motion of the Plaintiff before the clerk and the clerk finds as a fact that the matters set out in the above Motion are true.

Now, therefore, an entry of default is granted.

THIS is the _____ day of June 2010.

CLERK/ASSISTANT CLERK OF SUPERIOR COURT

CERTIFICATE OF SERVICE

The above signature certifies that a copy of the foregoing Motion was served upon the Defendant by depositing a copy of said pleading in a posted wrapper, first class, in a post office of official depository under the exclusive care and custody of the United State Post Office, addressed to:

Brenda Johnson
3290 Crosswinds Drive
Cary, NC 27513

This the ____ day of June 2010.

BEST LAW FIRM

By:

Linda Best
N.C. Bar No. 4376
Attorney for Plaintiff
100 Orchid St.
Raleigh, NC 27615

STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice
District Court Division

Name Of Plaintiff

VERSUS

Name Of Defendant

JUDGMENT FOR
ABSOLUTE DIVORCE
BEFORE THE CLERK

G.S. 50-10(e)

NOTE TO CLERK: This form is drafted for granting absolute divorce when plaintiff's verified complaint alleges all of the required facts and the plaintiff proves service of the summons and complaint, and notice of hearing, if required. If plaintiff's complaint is not verified or if the complaint does not allege all of the facts necessary, the clerk should not enter a judgment.

FINDINGS

This case was heard by the undersigned Clerk of Superior Court upon the Plaintiff's complaint for an Absolute Divorce. From the verified complaint and other evidence presented, the Court finds the following facts:

- 1. The defendant was properly served with the Summons and Complaint in this action as provided by the Rules of Civil Procedure.
2. The defendant
a. failed to make an appearance.
b. admitted all of the plaintiff's allegations in the answer.
c. filed a written waiver of the right to answer.
3. The defendant is not an infant or incompetent.
4. a. The defendant was served with notice of this hearing as required by the Rules of Civil Procedure.
b. The defendant was not served with notice of this hearing because defendant failed to make an appearance.
defendant filed a written waiver of the right to receive notice of any hearings.
5. The plaintiff defendant is a resident of County, North Carolina and has been a resident of the State of North Carolina for more than six (6) months immediately preceding the commencement of this action.
6. The plaintiff and defendant were married on or about (give date)
7. On the date this complaint was filed, the parties had lived separate and apart for more than one year; that at the time of separation the plaintiff defendant had intent to remain continuously separate and apart from the defendant plaintiff; and the parties have lived continuously separate and apart since their separation without resuming the marital relationship.
8. The plaintiff has requested to use the plaintiff's former name of (give name)

CONCLUSIONS

Based upon the foregoing findings of fact, the Court concludes as a matter of law that it has jurisdiction over the subject matter and the parties and that the plaintiff is entitled to an Absolute Divorce based on one year's separation.

ORDER

Therefore, it is ordered that:

- 1. The bonds of matrimony which have existed between the parties are dissolved and the plaintiff is granted an Absolute Divorce from the defendant.
2. The plaintiff is allowed to resume the plaintiff's former name set forth above.

Date

Signature

Assistant CSC

Clerk Of Superior Court

STATE OF NORTH CAROLINA
COUNTY OF _____

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO.: _____

_____,
Plaintiff
v.
_____,
Defendant

JUDGMENT: ABSOLUTE DIVORCE

THIS CAUSE coming on to be heard and being heard by the undersigned District Court Judge assigned to this case pursuant to the Local Rules of the _____ Judicial District upon Plaintiff's Complaint for Absolute Divorce based upon one year's separation of the parties; an from the record in this cause and the evidence presented the Court finds the following facts:

1. That the Plaintiff is a citizen and resident of _____ County, North Carolina, and has been a citizen and resident of the State of North Carolina for more than six (6) months next preceding the commencement of this action.
2. That the Defendant is a citizen and resident of _____ (insert name of county and state).
3. That Defendant was properly served with a copy of the Complaint and Summons as required by Rule 4 of the Rules of Civil Procedure as follows:
 Sheriff's service;
 Certified Mail, return receipt requested (affidavit in court file);
 Publication.
4. That the Plaintiff and Defendant were married on or about _____ (insert date of marriage).
5. That the Plaintiff and Defendant have lived separate and apart from each other for more than one year preceding the institution of this action for absolute divorce.
6. (If applicable, check box) Plaintiff/Defendant desires to resume the use of her maiden name: _____ (insert name here).

7. There were: (check one)

() no children born of the marriage of the parties.

() _____ children born to the marriage of the parties, namely:

_____.

8. Based upon the foregoing findings of fact, the Court concludes as a matter of law that it has jurisdiction over the subject matter and the parties and that the parties are entitled to an absolute divorce based on one year's separation.

THEREFORE IT IS ORDERED, ADJUDGED AND DECREED:

1. That the bonds of matrimony which have existed between the parties be and hereby are dissolved and Plaintiff is granted an absolute divorce from the Defendant.
2. (Check here if applicable) () The Plaintiff/Defendant is entitled to resume the use of her maiden name: _____.

This, the _____ day of _____, 20____.

DISTRICT COURT JUDGE PRESIDING

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing JUDGMENT OF ABSOLUTE DIVORCE was served upon the opposing party in this action by depositing a copy thereof in the United States mail in a properly addressed, postpaid envelope and mailing it to:

(insert name and address of opposing party)

This, the _____ day of _____, 20____.

(Name of Plaintiff)

NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
10 CVD 00000 .

DONNA McDIVORCE,)
Plaintiff,)
v.)
DARRYL McDIVORCE,)
Defendant.)

JUDGMENT OF DIVORCE

THIS CAUSE coming on to be heard and being heard by the undersigned District Court Judge Presiding on Plaintiff's motion for summary judgment on her claim for absolute divorce based upon one year's separation, and Defendant having filed no answer to Plaintiff's complaint and having been properly notified of the hearing of Plaintiff's motion, and there being no genuine issue of material fact and Plaintiff being entitled to judgment as a matter of law, the Court makes the following:

FINDINGS OF FACT

1. Plaintiff is a resident of Wake County, North Carolina, and has been for more than six months next preceding the filing of this complaint.
2. Defendant is a resident of New Hanover County, North Carolina, and has been for more than six months next preceding the filing of this complaint.
3. Plaintiff and defendant were married to each other on November 1, 2007, and thereafter lived together as husband and wife.
4. The parties separated from each other on November 5, 2007. At the time of the parties' separation, it was the intent of at least one of the parties to end their marital cohabitation.
5. Since November 5, 2007, Plaintiff and Defendant have continued to live separate and apart from the other and at no time have they resumed the marital relationship that formerly existed between them.
6. There were no children born of the marriage of the parties.
7. Plaintiff is entitled to an absolute divorce from defendant.

8. Plaintiff should be permitted to resume the use of her maiden name, which is Donna I'Single.

Based upon the foregoing Findings of Fact, the Court makes the following:

CONCLUSIONS OF LAW

1. This Court has jurisdiction over the parties and subject matter herein.
2. Plaintiff and defendant were married on November 1, 2007, and separated on November 5, 2007, with the intent on defendant's part of ending their marital relationship.
3. Plaintiff and defendant have lived continuously separate and apart from each other since their separation without resuming the marital relationship.
4. There are no issues of material fact and plaintiff is entitled to summary judgment on her claim for absolute divorce.
5. Plaintiff should be permitted to resume the use of her maiden name, which is Donna I'Single.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the plaintiff, Donna McDivorce, is granted an absolute divorce from the defendant, Darryl McDivorce, and the bonds of matrimony heretofore existing between plaintiff and defendant are hereby dissolved; furthermore, Plaintiff is permitted to resume the use of her maiden name, Donna I'Single.

This the ____ day of _____ 2010.

District Court Judge Presiding

CERTIFICATE OF SERVICE

I hereby certify that on the ____ day of _____, 20____, the foregoing Judgment of Divorce was served on Defendant by United States mail, postage prepaid to the following:

Mr. Darryl McDivorce
0001 Nice Drive
Wilmington, North Carolina 28409
Pro-Se Defendant

The Best Law Firm
By:

Linda Best
Attorney for Plaintiff
NCBA No. 4376
100 Orchid Street
Raleigh, North Carolina 27615
Telephone: (919) 327-2009

STATE OF NORTH CAROLINA
CERTIFICATE OF ABSOLUTE DIVORCE OR ANNULMENT

Type or print
in permanent
black ink

File Number: _____

County: _____

PLAINTIFF

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

DEFENDANT

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

MARRIAGE

DATE OF THIS MARRIAGE	PLACE OF THIS MARRIAGE
5.	6.
NUMBER MINOR CHILDREN	DATE OF SEPARATION
7.	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 entitled matter on the _____ day of _____.

_____ Date Signature ▶ _____
 Clerk of Superior Court Assistant CSC Deputy CSC

§ 50-13.01. Purposes.

It is the policy of the State of North Carolina to:

- (1) Encourage focused, good faith, and child-centered parenting agreements to reduce needless litigation over child custody matters and to promote the best interest of the child.
- (2) Encourage parents to take responsibility for their child by setting the expectation that parenthood will be a significant and ongoing responsibility.
- (3) Encourage programs and court practices that reflect the active and ongoing participation of both parents in the child's life and contact with both parents when such is in the child's best interest, regardless of the parents' present marital status, subject to laws regarding abuse, neglect, and dependency.
- (4) Encourage both parents to share equitably in the rights and responsibilities of raising their child, even after dissolution of marriage or unwed relationship.
- (5) Encourage each parent to establish and maintain a healthy relationship with the other parent when such is determined to be in the best interest of the child, taking into account mental illness, substance abuse, domestic violence, or any other factor the court deems appropriate. (2015-278, s. 1.)

NORTH CAROLINA)
)
 _____ COUNTY)

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
__ CVD _____

_____,)
)
 Plaintiff,)
)
 vs.)
)
 _____,)
)
 Defendant.)

COMPLAINT

Plaintiff, complaining of Defendant, alleges and says:

**FIRST, SECOND, AND THIRD CLAIMS FOR RELIEF
(CHILD CUSTODY, CHILD SUPPORT, AND ATTORNEYS' FEES)**

1. Plaintiff is a citizen and resident of _____, _____ County, North Carolina, and has been a resident of North Carolina for more than six months next preceding the commencement of this action.

2. Defendant is a citizen and resident of _____ County, North Carolina.

3. Plaintiff and Defendant were married to each other on _____, _____, in _____, North Carolina, and separated on _____, _____.

4. There were two children born of the marriage of the parties, namely: _____, born _____, _____ (currently age _____), and _____, born _____, _____ (currently age _____).

5. In order to avoid controversy between the parties hereto with regard to the custody and welfare of the minor children, it is in the best interests of the individual parties hereto and of the minor children that this court make an award of custody of the minor children.

6. An affidavit setting forth information required by N.C. Gen. Stat. § 50A-209(a), marked "Exhibit A," is attached hereto and incorporated herein by reference.

OR

6. There exist facts justifying the assumption of jurisdiction by this court to render a custody decree. Pursuant to Chapter 50A of the North Carolina General Statutes, the individual parties agree that:

- a. Said minor children of the parties hereto currently reside and have resided for their entire lives in _____, _____ County, North Carolina;
- b. Neither Plaintiff nor Defendant has participated as a party, witness, or in any other capacity in any other litigation concerning the custody of the minor children in this state or any other state;
- c. Neither Plaintiff nor Defendant has information of any custody proceedings concerning the minor children currently pending in a court of this or any other state; and
- d. Neither Plaintiff nor Defendant knows of any other person not a party to these proceedings who has physical custody of the minor children or who claims to have custody or visitation rights with respect to the minor children.

7. Plaintiff is a fit and proper person to exercise the care, custody, and control of the minor children. It is in the best interests of the minor children for their custody to be placed Plaintiff with Defendant having reasonable visitation with the minor children.

8. Defendant is an able-bodied person capable of providing support for the care and maintenance of the minor children. As the natural father/mother of the minor children, Defendant owes a duty of support to the minor children, and Plaintiff is in need of and is entitled to receive child support from Defendant for the use and benefit of the parties' minor children living with her/him.

9. Plaintiff is in need of and is entitled to an order requiring Defendant to maintain medical and dental insurance for the minor children and further ordering Defendant to pay his/her share of all reasonable and necessary uninsured medical, dental, orthodontic, optometry, counseling, and prescription drug expenses in proportion to the parties' respective incomes, on behalf of the minor children.

10. Plaintiff is entitled to child support from Defendant retroactive to the parties' date of separation on _____.

11. Plaintiff is an interested party, acting in good faith, with insufficient means to defray the expense of this suit, including attorneys' fees, and Defendant should be required to pay the full expenses of this suit, including Plaintiff's attorneys' fees.

WHEREFORE, Plaintiff requests the court as follows:

1. That this verified Complaint of Plaintiff be allowed and taken as an affidavit upon which the court may base all of its orders in this case;
2. That Plaintiff be awarded primary physical custody of the minor children and attorneys' fees for his/her claim of custody, and that the court enter an order awarding Defendant with visitation with the minor children;
3. That Defendant be ordered to pay to Plaintiff a reasonable sum of child support for the use and benefit of the parties' minor children retroactive to the parties' date of separation; further that Defendant be ordered to maintain medical and dental insurance for the children and to pay his/her share of all reasonable and necessary uninsured medical, dental, orthodontic, optometry, counseling, and prescription drug expenses of the minor children in proportion to the parties' respective incomes; and that Plaintiff be awarded attorneys' fees for his/her claim for child support;
4. That the costs of this action, including Plaintiff's reasonable attorneys' fees, be taxed against Defendant; and
5. For such other and further relief as the court may deem just and proper.

This _____ day of _____.

Name
Attorney for Plaintiff
N.C. State Bar No. _____

OF COUNSEL:

LAW FIRM
Address
Address
Telephone: () _____

STATE OF NORTH CAROLINA)
)
COUNTY OF _____)

VERIFICATION

Before me, a Notary Public in and for _____ County and aforesaid state,
personally appeared _____, who, after being first duly sworn, stated:

That he/she has read the contents of the foregoing Complaint and knows the contents
thereof; that the same are true to the best of his/her own knowledge except those matters therein
set forth on information and belief, and as to those, he/she believes them to be true.

This _____ day of _____.

Name of Plaintiff

Notary Public

Printed Name of Notary Public

My Commission Expires: _____

STATE OF NORTH CAROLINA

Court File No.

_____ County

In The General Court Of Justice
District Court Division

Name And Address Of Plaintiff

**AFFIDAVIT
AS TO
STATUS OF
MINOR CHILD**

VERSUS

G.S. 50A-209

Name And Address Of Defendant

Name Of Minor Child

Date Of Birth

Birthplace

I, the undersigned affiant, being first duly sworn, say that during the past five (5) years the above named minor child has lived as follows:

Period Of Residence		Address	Name Of Person Lived With	Present Address Of Person
From	To			
	Present			

I further say that: (Check those that apply)

I have participated in litigation concerning the custody of the above named child.

Capacity As Participant

Name And Address Of Court

Date Of Child Custody Determination

Case No.

Details

I have information about a custody proceeding. Examples of custody proceeding include divorce, proceeding related to domestic violence, a protective order, termination of parental rights or adoption that is pending in a court of this or another state and could affect this proceeding.

Name And Address Of Court

Details

I know of a person as listed below, who has physical custody or claims to have custody or visitation rights with respect to the above named child.

Name And Address Of Person

- Physical Custody
- Claimed Custody
- Visitation Rights

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Date

Date

Signature Of Person Authorized To Administer Oaths

Signature Of Affiant

Deputy CSC Assistant CSC Clerk Of Superior Court

Name Of Affiant (Type Or Print)

Notary

Date Commission Expires

Relationship To Above Named Child

SEAL

County Where Notarized

NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO.

Plaintiff,

v.

Defendant.

CONSENT ORDER
FOR CHILD CUSTODY

THIS MATTER came before the undersigned District Court Judge Presiding upon the joint request of the parties for the entry of a Consent Order for child custody. It appearing to the Court that the parties have reached an agreement regarding child custody as evidenced by their signatures below and desire for the court to enter this Consent Order setting out their agreed upon terms, the Court makes and enters the following:

FINDINGS OF FACT

1. The Plaintiff and Defendant are residents of Wake County, North Carolina and have been so for at least six (6) months preceding the institution of this action.
2. Plaintiff and Defendant were married to one another on _____ and separated on _____.
3. The Plaintiff is the natural father and the Defendant is the natural mother of two (2) children born to the marriage of the parties, namely: _____, born _____; and _____, born _____.
4. The children have resided in North Carolina for more than six (6) months prior to the institution of this action. North Carolina is the home state of the minor children as defined in N.C. Gen. Stat. § 50A-102(7), and no other court has exercised jurisdiction over the issues of child custody.
5. North Carolina has jurisdiction to make an initial child custody determination, pursuant to N.C. Gen. Stat. § 50A-201.
6. The parties have agreed to the appointment of a Parenting Coordinator, pursuant to N.C. Gen. Stat. § 50-91.

7. Plaintiff and Defendant are fit and proper persons to share legal and physical custody of the minor children as set forth herein, and it is in the best interests of the children that the parties share legal and physical custody as set forth herein.

8. The parties waive further Findings of Fact and Conclusions of Law and stipulate and consent to the entry of this Order.

BASED UPON the foregoing Findings of Fact, the Court makes and enters the following:

CONCLUSIONS OF LAW

1. The Court has jurisdiction over the parties and subject matter of this action.

2. North Carolina is the home state of the minor children as defined in N.C. Gen. Stat. § 50A-102(7), and no other court has exercised jurisdiction over the issues of child custody.

3. North Carolina has jurisdiction to make an initial child custody determination, pursuant to N.C. Gen. Stat. § 50A-201.

4. The parties are entitled to the relief granted in the Decree below.

5. The provisions set forth below regarding child custody are in the best interests of the parties' minor children.

6. The parties have agreed to the appointment of a Parenting Coordinator, pursuant to N.C. Gen. Stat. § 50-91.

7. The parties have consented to the entry of this Order and have done so voluntarily.

8. The Findings of Fact are incorporated herein to the extent that they represent Conclusions of Law.

9. The parties waive further Conclusions of Law.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:

1. Legal Custody. Plaintiff and Defendant shall have joint legal custody and shall discuss in advance and mutually agree regarding all major decisions relating to the health, education and general welfare of the minor children, including but not limited to major decisions relating to the minor children's care, upbringing, educational training, religious training, social and recreational activities, medical care and treatment and

treatment of emotional or psychological needs. The party with whom the children are residing shall be able to make routine, day-to-day decisions for the children.

- a. Each party shall have access to health care, school, extracurricular activity and other records and/or documents pertaining to the children and may consult with any professionals involved with the children. Both parties shall be listed as contacts on any and all documents related to the children's medical, school or extracurricular activity records. If the children's information is not accessible or available the each party online or through an independent source, each party shall provide to the other party all of the minor children's school calendars, special event calendars/announcements, progress reports, report cards, parent-teacher conference documents (including, but not limited to, schedules and reports), extracurricular activity announcements, extracurricular activity calendars, extracurricular activity equipment lists, medical/dental/prescription/psychological announcements/reports, psychological reports and other important documents pertaining to the minor children's health care, schooling or extracurricular activities within 72 hours of his/her receipt of same. The custodial parent shall inform the non-custodial parent in advance of special events or activities in which each of the minor children participates so that the non-custodial parent may be able to observe.
- b. Once the children are enrolled in extracurricular activities, each party shall make all reasonable efforts to ensure the children's participation in the activities. Both parties shall have equal access and right to attend all activities/events in which each of the minor children participates, including, but not limited to, sports, church, plays, recitals, school activities, school field trips and the like.
- c. Each party may obtain emergency health care for the children without the consent of the other party. Each party shall notify the other party as soon as reasonably possible of any illness requiring medical attention or any emergency involving the children.

- d. Each party shall keep the other party fully informed as to his/her residence and work contact information, including physical and mailing addresses, mobile phone number(s), telephone number(s), and personal e-mail address to be used for the purpose of communication regarding the minor children. Each party shall notify the other party in writing of any change in any contact information (work or residence) within 24 hours of the change.
- e. Plaintiff and Defendant will at all times attempt to foster respect, love, and admiration for the other in the children. Neither party shall do or say anything to hamper the natural development of love and respect for the other party on the part of the children. Each party shall refrain from making disparaging comments about the other party in front of the minor children and shall encourage third parties, whether friends or family members, to refrain from making disparaging comments about a party in the presence of the minor children. In the event family or friends refuse to refrain from making such comments in the presence of the minor children, then the party overhearing the comment shall remove the minor children from the presence of the person making the disparaging comment until such comments cease.
- f. Neither party shall travel outside of the United States with the minor children without the other party's consent, consent to which shall not be unreasonably withheld. Each party shall give the other party at least seven (7) days' advance notice of his/her intent to travel with the minor children outside of North Carolina and shall provide itinerary (departure and return dates and times) and reasonable contact information (name/address of residence, telephone numbers) to the non-travelling party in advance of said travel. Neither party shall allow the minor children to fly as an unaccompanied minor without the other party's consent.
- g. Each party shall give the other party 30 days' advance written notice (e-mail is sufficient for all written notice) prior to any change of residence or relocation within his/her current county of residence. Each party shall

give the other party 60 days' written notice prior to any change of residence or relocation outside his/her current county of residence.

2. Parenting Coordinator. _____ shall be appointed as the parties' Parenting Coordinator for an initial term of two (2) years. The Parenting Coordinator's term may be extended by Motion of either party. The parties shall divide the Parenting Coordinator's fees 50/50, with Plaintiff paying 50% and Defendant paying 50%, subject to reallocation in the Parenting Coordinator's sole discretion. The Parenting Coordinator Appointment Conference shall be scheduled for _____ at 9:00 a.m. in Courtroom ___ of the Wake County Courthouse.

3. Physical Custody. The minor children shall reside primarily with Defendant and shall have custodial time with Plaintiff as the parties mutually agree. In the event they are unable to agree, the parties' custodial time shall be shared as follows:

a. Regular Schedule. The minor children shall reside with Plaintiff every other Thursday from the recess of school (or 5:00 p.m. if school is not in session) until Sunday at 6:00 p.m., and on the alternating Wednesday from the recess of school (or 5:00 p.m. if school is not in session) until the resumption of school on Thursday (or 5:00 p.m. if school is not in session). The regular, two-week schedule shall occur as follows:

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
H- 6:00p; W	W	W	H	W	W	W
W	W	W	W	H	H	H

b. Thanksgiving. In odd-numbered years, the minor children shall have custodial with Plaintiff from the recess of school immediately preceding Thanksgiving (or 5:00 p.m.) until Sunday at 6:00 p.m. This Thanksgiving schedule shall reverse in even-numbered years.

c. Christmas. The minor children shall have custodial time with Plaintiff from the recess of school until December 26 at 12:00 p.m. and with

Defendant from December 26 at 12:00 p.m. until the resumption of school following Christmas in even-numbered years. This Christmas schedule shall reverse in odd-numbered years.

d. Mother's Day/Father's Day. The minor children shall spend Mother's Day/Father's Day with the honored parent, from 5:00 p.m. on the Saturday immediately preceding Mother's Day/Father's Day until 6:00 p.m. on Mother's Day/Father's Day.

e. Summer/Track-Out Vacation. Beginning in 2016, each party shall have three (3) non-consecutive weeks of vacation with the minor children each year, which shall coincide with that party's regularly-scheduled weekend. Neither party's selected vacation shall be scheduled to interrupt the other party's holiday custodial time with the children as set forth in subparagraphs b) through d) above without the express consent of the non-vacationing party. The parties shall notify each other in writing of their vacation plans a minimum of 30 days prior to departure and shall provide the non-vacationing party with a basic itinerary to include dates of departure and return, destinations, flight information and reasonable contact information, including telephone numbers. In the event of a conflict, Defendant's selected dates shall take precedence in even-numbered years, and Plaintiff's selected dates shall take precedence in odd-numbered years. Except as otherwise set forth herein and in absence of other agreement by the parties, the Holiday/Vacation schedule set forth in subparagraphs b) through e) shall take precedence over the Regular schedule set forth in subparagraph a), and the Regular schedule shall resume at the conclusion of the Holiday/Vacation time.

4. Exchanges. To the extent custodial exchanges are not accomplished with pick-up/drop-offs at school and unless the parties otherwise agree, then the custodial exchanges shall occur in the Wal-Mart parking lot on _____ Road in _____, North Carolina.

5. Telephone/Skype/FaceTime Contact. Each party shall facilitate and allow reasonable telephone/Skype/FaceTime communication between the children and the non-

custodial parent. Notwithstanding the foregoing, the Parenting Coordinator shall have the discretion to issue directives regarding the minor children's telephone/Skype/FaceTime contact with the other parent in the minor children's best interests. Neither parent shall prevent the minor children from having access to a telephone to contact the non-custodial parent in the children's discretion, unless otherwise determined by the Parenting Coordinator.

6. Therapy. The minor children shall continue in therapy as the parties mutually agree, and if the parties do not agree, with the therapist(s) directed by the Parenting Coordinator for so long as directed by the Parenting Coordinator. Both parties will participate and follow the recommendations of the children's therapist(s). Defendant shall continue in therapy with _____, and Plaintiff shall continue in therapy with _____ for so long as such therapy is recommended by the therapist or determined by the Parenting Coordinator. Each party shall be separately responsible for his/her individual therapy expenses, and the children's therapy expenses for the next twelve (12) months shall be paid as set forth hereinafter.

7. Custodial Care. Both parties agree that during his or her custodial time that the custodial parent shall ensure that the minor children attend scheduled doctor and therapy appointments, planned sporting events and like events, and complete their assigned homework for school. Unless otherwise directed by the Parenting Coordinator, each party shall make all of the minor children's uniforms, equipment and other needs for participation in their extracurricular activities available so that the custodial parent has the necessary equipment, uniforms, etc. to take the minor children to said activities and allow them to participate without needing to retrieve said items from the non-custodial parent. Unless otherwise directed by the Parenting Coordinator, the parties shall alternate the scheduling of the minor children's doctor's appointments and therapy appointments such that each parent takes the minor children to said therapy and doctor's appointments an equal number of times. The "non-taking parent" should not attend the minor children's doctor's appointments or therapy appointments the dates on which the "taking parent" takes the children to said appointments, unless otherwise directed by the Parenting Coordinator.

8. Right of First Refusal. If either party is unable to care for the minor children for any overnight period during his/her custodial time or plans to place the minor children with a 3rd-party caretaker for any overnight period during his/her custodial time, then said party shall first offer the right to care for the children to the other party during said overnight period before making alternative custodial arrangements. However, this Right of First Refusal may be reviewed and/or modified in the sole discretion of the Parenting Coordinator in the best interests of the minor children.

9. This Order shall be enforceable pursuant to the contempt powers of the Court.

10. This Court retains jurisdiction over this matter.

This the _____ day of _____, 2016.

District Court Judge Presiding

WE HAVE READ THE ABOVE AND CONSENT TO THE ENTRY OF THIS ORDER:

_____, Plaintiff

_____, Defendant