

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

PLEASE READ ALL INSTRUCTIONS ON THE BACK BEFORE COMPLETING THIS FORM

1. Please check one:
☐ I am an attorney; ☐ I have an attorney; ☐ My spouse has an attorney;
☐ No attorneys are involved in this case.
2. Date requested for divorce hearing: _____
3. I understand that a copy of this document must be sent to the other party: ☐ Yes ☐ No
4. Do you need an interpreter? ☐ Yes ☐ No If so, what language: _____
5. Does your spouse need an interpreter? ☐ Yes ☐ No If so, what language: _____
6. I wish to schedule this matter for ☐ Trial ☐ Summary Judgment ☐ Summary Judgment and/or Trial.

*****DO NOT FILL OUT THIS BOX – CLERK TO COMPLETE*****

ALL PARTIES ARE HEREBY NOTIFIED THAT the divorce hearing in this case will take place on the **date in #2** above in **Courtroom 5B** of the **Wake County Courthouse located at 316 Fayetteville Street, Raleigh, North Carolina** at:

☐ **9:00 a.m.** (Check for Attorney cases)

☐ **10:30 a.m.** (Check for Unrepresented Parties)

The matter will be heard for (check one box) ☐ Trial ☐ Summary Judgment ☐ Summary Judgment and/or Trial.

CERTIFICATE OF SERVICE:

I hereby certify that a copy of this **Notice of Hearing** has been served on 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

☐ Attorney for Plaintiff

☐ Defendant

☐ Attorney for Defendant

PLEASE READ ALL INSTRUCTIONS BEFORE COMPLETING THE FRONT OF THIS FORM

****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.

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 41 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 the appropriate portions 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, or in addition to a trial, 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 on the front of this form, go 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**.

*Please note, Employees of the Clerk's Office or the Court are **PROHIBITED BY LAW** from advising you regarding your legal situation.*

NORTH CAROLINA
COUNTY OF WAKE

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

_____,
Plaintiff,

v.

_____,
Defendant.

NOTICE OF DIVORCE TRIAL

☐ First ☐ Subsequent

PLEASE READ ALL INSTRUCTIONS ON THE BACK BEFORE COMPLETING THIS FORM

1. Date requested for divorce hearing: _____
2. I understand that a copy of this document must sent be to the other party: ☐ Yes ☐ No
3. Do you need an interpreter? ☐ Yes ☐ No If so, what language: _____
4. Does your spouse need an interpreter? ☐ Yes ☐ No If so, what language: _____
5. The email address I would like to be contacted at is: _____

*******DO NOT FILL OUT THIS BOX – CLERK TO COMPLETE*******

☐ **ALL PARTIES ARE HEREBY NOTIFIED THAT** the divorce hearing in this case will take place on the **date in #1** above in:

☐ **Courtroom 9C at 10:30 a.m.**

☐ **Courtroom 2B at 10:30 a.m.**

☐ **Courtroom 2A at 2:00 p.m.**

of the **Wake County Courthouse located at 316 Fayetteville Street, Raleigh, North Carolina.** The moving party must be present in the courtroom. If the Defendant does not object to the divorce and does not wish to be heard by the judge, he or she may watch the proceedings without coming to court via WebEx at **Meeting ID# 798 770 579.**

CERTIFICATE OF SERVICE:

I hereby certify that a copy of this **Notice of Hearing** has been served on 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

PLEASE READ ALL INSTRUCTIONS BEFORE COMPLETING THE FRONT OF THIS FORM

All uncontested divorce trials (without request for incorporation of separation agreement) in divorce cases may be set by this notice.

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 41 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 the appropriate portions 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.
- On the date designated in **blank #1** at the time listed on the front of this form, go to **the specified courtroom (9C, 2B, or 2A)** and be seated. Defendants who do not object to the proceedings and do not wish to speak to the judge may prefer to watch the hearing remotely via WebEx at **Wake Divorce Personal Meeting Room ID#798 770 579**. The person seeking the divorce should 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**.

If you are appearing remotely to observe, the personal meeting room can be accessed by going to www.WebEx.com and selecting the "JOIN" tab. Type in the meeting ID number listed above in the WebEx "Join" box. Make sure your video and audio are working properly before selecting "Join the meeting." Mute your microphone until your case is called for hearing.

*Please note, Employees of the Clerk's Office or the Court are **PROHIBITED BY LAW** from advising you regarding your legal situation.*

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
☐ District ☐ Superior Court Division

Name Of Plaintiff

Address

City, State, Zip

VERSUS

Name Of Defendant(s)

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

CIVIL SUMMONS

☐ ALIAS AND PLURIES SUMMONS (ASSESS FEE)

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

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1

Name And Address Of Defendant 2



IMPORTANT! You have been sued! These papers are legal documents, DO NOT throw these papers out! You have to respond within 30 days. You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers!

¡IMPORTANTE! ¡Se ha entablado un proceso civil en su contra! Estos papeles son documentos legales. ¡NO TIRE estos papeles!

Tiene que contestar a más tardar en 30 días. ¡Puede querer consultar con un abogado lo antes posible acerca de su caso y, de ser necesario, hablar con alguien que lea inglés y que pueda traducir estos documentos!

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*Date Served**Time Served*☐

AM

☐

PM

Name Of Defendant

- ☐ 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*Date Served**Time Served*☐

AM

☐

PM

Name Of Defendant

- ☐ 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:

Service Fee Paid

\$

*Signature Of Deputy Sheriff Making Return**Date Received**Name Of Sheriff (type or print)**Date Of Return**County Of Sheriff*

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

VERSUSJury 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 AddressSummons Submitted ☐ Yes ☐ No

Name Of Firm

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

FAX No.

TYPE OF PLEADING

(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):

CLAIMS FOR RELIEF

(check all that apply)

- ☐ 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. For subsequent filings in civil actions, the filing party must include a Domestic (AOC-CV-750), Motions (AOC-CV-752), or Court Action (AOC-CV-753) cover sheet.

AOC-CV-750, Rev. 1/14

© 2014 Administrative Office of the Courts

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

COUNTY OF _____

CIVIL DISTRICT DIVISION

FILE NO. _____ - CVD - ____

(Type or print your name here)

Plaintiff

Vs.

(Type or print your spouse's name here)

Defendant

**COMPLAINT FOR
ABSOLUTE DIVORCE**

The Plaintiff, complaining of the Defendant, alleges and says:

1. Plaintiff is a citizen and resident of _____.
(insert county and state here)
2. Plaintiff has been a resident at the above location since _____.
(list length of residency)
3. The Defendant is a citizen of _____.
(insert county and state here)
4. The Defendant has been a resident at the above location since _____.
(list length of residency)
5. The Plaintiff and Defendant were married on _____.
(insert date of marriage)
6. The parties separated on or about _____.
(insert day, month, and year of separation)
7. The parties have lived continuously separate and apart for at least one (1) year prior to the filing of this complaint.
8. The Plaintiff intended for the separation to be permanent.
9. That there were (check and complete appropriate information about any MINOR children (children who are now under the age of 18):
 - ☐ There are no minor children who were born of the marriage of the parties.
 - ☐ ____ (number of minor child(ren) who were born to the marriage/parties, namely:

COMPLETE THE FOLLOWING ONLY IF THERE ARE MINOR CHILDREN

_____ Full Name of Child	_____ Date of Birth	_____ Full Name of Child	_____ Date of Birth
_____ Full Name of Child	_____ Date of Birth	_____ Full Name of Child	_____ Date of Birth

10. The Plaintiff acknowledges that he/she is not asking the Defendant for alimony or equitable distribution, and that he/she acknowledges that unless such claims are asserted by one or the other party, or both parties (or settled outside of court) before the Judgment of Absolute Divorce is signed by the Judge and entered by the Court, he/she is forever waiving and discharging any claim against the defendant for alimony and/or equitable distribution by obtaining an absolute divorce.

11. ☐ (check if applicable) That the Plaintiff and Defendant executed an agreement settling property and other issues on _____. (attach a copy of the agreement)

12. ☐ (Check if applicable) The Plaintiff desires to resume the use of her: (choose one) ☐ maiden name; ☐ surname of a prior deceased husband; ☐ surname of a prior living husband if the Plaintiff has children by that prior living husband. The name of the Plaintiff desires to resume is _____.
(insert name Plaintiff desires to use after the divorce)

WHEREFORE, Plaintiff prays the Court:

A. That the bonds of matrimony heretofore existing between the Plaintiff and Defendant be dissolved and a judgment of absolute divorce be granted to Plaintiff from Defendant.

B. That this verified Complaint be treated as an affidavit for purposes of Summary Judgment.

C. ☐ (Check if applicable): That the Plaintiff be allowed to resume the use of her: choose one) ☐ maiden name; ☐ surname of a prior deceased husband; ☐ surname of a prior living husband if the Plaintiff has children by that prior living husband. The name of the Plaintiff desires to resume is _____.
(insert name Plaintiff desires to use after the divorce)

This the _____ day of _____ 20 ____.

(Signature)

STATE OF NORTH CAROLINA :
 :
COUNTY OF _____ :

VERIFICATION

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

(Sign in the presence of a Notary Public)

Sworn to and subscribed before me this the _____ day of _____, 20 ____.

Notary Public

(Printed Name of Notary Public)

My Commission Expires: _____

STATE OF NORTH CAROLINA

File No.

In The General Court Of Justice
District Court Division

_____ County

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

File No.

_____ County

In The General Court Of Justice
☐ District ☐ Superior Court Division

IN THE MATTER OF:

Name And Address Of Petitioner

NOTICE OF HEARING

Name And Address Of Interested Party

*Name And Address Of Attorney Who Represented The State In The Underlying Case,
Or The Attorney's Successor*

NOTICE OF HEARING TO PETITIONER AND ATTORNEY OR OTHER INTERESTED PARTY NAMED ABOVE

You are notified to appear before the Court on the date and at the time and place specified below for a hearing on the attached Petition.

Date Of Hearing

Time Of Hearing

☐ AM ☐ PM

Location Of Hearing

CERTIFICATE OF SERVICE

I certify that on this date, a copy of this Notice Of Hearing was served by:

- ☐ first class mail at the address(es) shown above on the
- ☐ petitioner.
 - ☐ attorney who represented the State in underlying case, or that attorney's successor.
 - ☐ other interested party.

- ☐ personally delivering a copy to the
- ☐ petitioner.
 - ☐ attorney who represented the State in underlying case, or that attorney's successor.
 - ☐ other interested party.

☐ Other _____.

Date

Signature

☐ Deputy CSC

☐ Assistant CSC

☐ Clerk Of Superior Court

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 DECLARATION

G.S. Ch. 127B, Art. 4; 50 U.S.C. 3901 to 4043

NOTE: Though this form may be used in a Chapter 45 Foreclosure action, it is not a substitute for the certification that may be required by G.S. 45-21.12A.

DECLARATION

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

- As of the current date: (check one of the following)
 - ☐ a. I have personal knowledge that the defendant named above is in military service.*
 - ☐ b. I have personal knowledge that the defendant named above is **not** in military service.*
 - ☐ c. I am unable to determine whether the defendant named above is in military service.*
 - As of the current date, I ☐ have ☐ have not received a copy of a military order from the defendant named above relating to State active duty as a member of the North Carolina National Guard or service similar to State active duty as a member of the National Guard of another state. See G.S. 127B-27 and G.S. 127B-28(b).
 - I ☐ used ☐ did not use the Servicemembers Civil Relief Act Website (<https://scra.dmdc.osd.mil/>) to determine the defendant's federal military service.
 - ☐ 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. Members of the North Carolina National Guard under an order of the Governor of this State and members of the National Guard of another state under an order of the governor of that state will **not** appear in the SCRA Website database.)
- The following facts support my statement as to the defendant's military service: (State how you know the defendant is or is not in the military. Be specific.)

***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). The term "military service" also includes the following: State active duty as a member of the North Carolina National Guard under an order of the Governor pursuant to Chapter 127A of the General Statutes, for a period of more than 30 consecutive days; service as a member of the National Guard of another state who resides in North Carolina and is under an order of the governor of that state that is similar to State active duty, for a period of more than 30 consecutive days. G.S. 127B-27(3) and G.S. 127B-27(4).

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Date

Signature Of Declarant

Name Of Declarant (type or print)

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 or declaration (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 And Declarations

1. Plaintiff to file affidavit/declaration

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/declaration

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/declaration

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/declaration

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

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Plaintiff,

vs.

Defendant.

WAIVER AND ANSWER

NOW COMES the Defendant, waiving notice and answering the allegations contained in Plaintiff's Complaint and says as follows:

1. The Defendant admits the allegations contained in the Plaintiff's Complaint.
2. The Defendant waives any further notice in this matter, and waives the right to a hearing.

WHEREFORE, the Defendant requests that the Court grant the Plaintiff an absolute divorce.

This the ____ day of _____, 20____

Defendant

I, _____, Notary Public or Assistant/Deputy Clerk of _____ County do hereby certify that _____ appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the ____ day of _____, 20 ____.

Notary Public or Assistant/Deputy Clerk

AFFIRMATION

I affirm, under the penalties for perjury, that the foregoing representation(s) is (are) true.

(Signed) _____

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
☐ District ☐ Superior Court Division

Name Of Plaintiff(s)

VERSUS

Name Of Defendant

AFFIDAVIT OF SERVICE OF PROCESS BY

- ☐ **REGISTERED MAIL**
☐ **CERTIFIED MAIL**
☐ **DESIGNATED DELIVERY SERVICE**

G.S. 1-75.10(a)(5), (a)(6); 1A-1, Rule 4(j2)

I, the undersigned, did mail by ☐ registered mail (return receipt requested), ☐ certified mail (return receipt requested),
☐ designated delivery service (delivery receipt requested),
a copy of the summons and complaint ☐ and other document(s) (list) _____

in the above captioned action to (name of person to be served) _____,
addressed as follows: _____

Further, that copies of the summons and complaint ☐ and the above listed other document(s) (check, if applicable) were in fact
received by the defendant on (date of receipt) _____, as evidenced by the attached original receipt.
(Attach original receipt or electronic proof of signature confirmation to this affidavit.)

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Signature Of Plaintiff/Attorney

Date

Signature Of Person Authorized To Administer Oaths

Name (type or print)

Title Of Person Authorized To Administer Oaths

☐ Notary

Date My Commission Expires

SEAL

County Where Notarized