

File No.	<b>STATE OF NORTH CAROLINA</b>																				
<b>COMPLAINT FOR MONEY OWED</b>	_____ County		In The General Court Of Justice District Court Division - Small Claims																		
G.S. 7A-216, 7A-232	<i>Spoken Language Court Interpreter Needed For Any Party, Victim, Or Witness? (If Yes, identify person(s) and language(s). Interpreters provided for all court proceedings at no cost.)</i> <input type="checkbox"/> No <input type="checkbox"/> Yes: (explain)																				
Name And Address Of Plaintiff	1. The defendant is a resident of the county named above. 2. The defendant owes me the amount listed for the following reason:																				
County	Telephone No.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; padding: 5px;">Principal Amount Owed</td> <td style="width: 5%; text-align: center; padding: 5px;">▶</td> <td style="width: 10%; text-align: center; padding: 5px;">\$</td> <td style="width: 15%;"></td> </tr> <tr> <td style="padding: 5px;">Interest Owed (if any)</td> <td style="text-align: center; padding: 5px;">▶</td> <td style="text-align: center; padding: 5px;">\$</td> <td></td> </tr> <tr> <td style="padding: 5px;">Total Amount Owed</td> <td style="text-align: center; padding: 5px;">▶</td> <td style="text-align: center; padding: 5px;">\$</td> <td></td> </tr> </table>		Principal Amount Owed	▶	\$		Interest Owed (if any)	▶	\$		Total Amount Owed	▶	\$							
Principal Amount Owed	▶	\$																			
Interest Owed (if any)	▶	\$																			
Total Amount Owed	▶	\$																			
<b>VERSUS</b>																					
Name And Address Of Defendant 1 <input type="checkbox"/> Individual <input type="checkbox"/> Corporation	(check one below)																				
County	Telephone No.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; padding: 5px;"><input type="checkbox"/> On An Account (attach a copy of the account)</td> <td style="width: 20%; padding: 5px;">Date From Which Interest Due</td> <td style="width: 20%; padding: 5px;">Interest Rate</td> </tr> <tr> <td style="padding: 5px;"><input type="checkbox"/> For Goods Sold And Delivered Between</td> <td style="padding: 5px;">Beginning Date</td> <td style="padding: 5px;">Ending Date</td> </tr> <tr> <td style="padding: 5px;"><input type="checkbox"/> For Money Lent</td> <td style="padding: 5px;">Date From Which Interest Due</td> <td style="padding: 5px;">Interest Rate</td> </tr> <tr> <td style="padding: 5px;"><input type="checkbox"/> On a Promissory Note (attach copy)</td> <td style="padding: 5px;">Date Of Note</td> <td style="padding: 5px;">Date From Which Interest Due</td> </tr> <tr> <td style="padding: 5px;"><input type="checkbox"/> For a Worthless Check (attach a copy of the check)</td> <td colspan="2"></td> </tr> <tr> <td style="padding: 5px;"><input type="checkbox"/> For Conversion (describe property)</td> <td colspan="2"></td> </tr> </table>		<input type="checkbox"/> On An Account (attach a copy of the account)	Date From Which Interest Due	Interest Rate	<input type="checkbox"/> For Goods Sold And Delivered Between	Beginning Date	Ending Date	<input type="checkbox"/> For Money Lent	Date From Which Interest Due	Interest Rate	<input type="checkbox"/> On a Promissory Note (attach copy)	Date Of Note	Date From Which Interest Due	<input type="checkbox"/> For a Worthless Check (attach a copy of the check)			<input type="checkbox"/> For Conversion (describe property)		
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<input type="checkbox"/> For Conversion (describe property)																					
Name And Address Of Defendant 2 <input type="checkbox"/> Individual <input type="checkbox"/> Corporation	Other: (specify)																				
County	Telephone No.	I demand to recover the total amount listed above, plus interest and reimbursement for court costs.																			
Name And Address Of Plaintiff's Attorney	Date	Name Of Plaintiff Or Attorney (type or print)	Signature Of Plaintiff Or Attorney																		
Attorney Bar No.																					

(Over)

## INFORMATION FOR THE PLAINTIFF AND DEFENDANT

**The clerk or magistrate cannot advise you about your case or assist you in completing this form.**

**If you have any questions, you should consult an attorney.**

The North Carolina Judicial Branch provides information on small claims actions at

[www.nccourts.gov/help-topics/lawsuits-and-small-claims](http://www.nccourts.gov/help-topics/lawsuits-and-small-claims).

1. The PLAINTIFF must file a small claim action in the county where at least one of the defendants resides.
2. The PLAINTIFF cannot sue in small claims court for more than \$10,000.00 excluding interest and costs. This amount may be lower, depending on local judicial order. If the amount is lower, it may be an amount determined by the chief district court judge of the judicial district.
3. The PLAINTIFF must show the complete name and address of the defendant to ensure service on the defendant. If there are two defendants and they reside at different addresses, the plaintiff must include both addresses.
4. If the defendant is a corporation, the plaintiff must sue in the complete corporate name. If the business is not a corporation, the plaintiff must determine the owner's name and sue the owner.
5. The PLAINTIFF may serve each defendant, who is a natural person, by:
  - the sheriff delivering a copy of the summons and complaint to the defendant(s) after payment of the service fee;
  - the sheriff leaving copies of the summons and complaint at the defendant's dwelling house or usual place of abode with some person of suitable age and discretion residing therein after payment of the service fee;
  - mailing a copy of the summons and complaint by registered or certified mail, return receipt requested, addressed to the party to be served, and delivering to the addressee;
  - mailing a copy of the summons and complaint by signature confirmation as provided by the United States Postal Service, addressed to the party to be served, and delivering to the addressee; or
  - depositing with a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2) a copy of the summons and complaint, addressed to the party to be served, delivering to the addressee, and obtaining a delivery receipt.
6. The PLAINTIFF may serve each defendant, who is not a natural person (e.g. corporation, partnership, government entity) by methods provided in G.S. 1A-1, Rule 4(j).
7. If the defendant is a natural person under a disability (e.g., minor, incompetent adult), the PLAINTIFF must comply with G.S. 1A-1, Rule 4(j)(2).
8. The PLAINTIFF must pay advance court costs at the time of filing this Complaint. A plaintiff, who is unable to pay advance court costs, may apply to sue as an indigent pursuant to G.S. 1-110(a). In the event that judgment is entered in favor of the plaintiff, court costs may be charged against the defendant.
9. The DEFENDANT may file a written answer, making defense to the claim, in the office of the Clerk of Superior Court. This answer should be accompanied by a copy for the plaintiff and be filed no later than the time set for trial. The filing of the answer DOES NOT relieve the defendant of the need to appear before the magistrate to assert the defendant's defense.
10. Whether or not an answer is filed, the PLAINTIFF must appear before the magistrate.
11. The PLAINTIFF or the DEFENDANT may appeal the magistrate's decision in this case. To appeal, notice must be given in open court when the judgment is rendered, or notice may be given in writing to the Clerk of Superior Court within ten (10) days after the judgment is rendered. If notice is given in writing, the appealing party must also serve written notice of appeal on all other parties. The appealing party must PAY to the Clerk of Superior Court the costs of court for appeal within twenty (20) days after the judgment is rendered (ten (10) days in summary ejection cases). If the appealing party petitions to appeal as an indigent and is denied, the party shall have an additional five days to perfect the appeal by paying the court costs.
12. This form is supplied in order to expedite the handling of small claims. It is designed to cover the most common claims.

If certified or registered mail is used, the plaintiff must prepare and file a sworn statement, such as the AOC-CV-105, with the Clerk of Superior Court proving service by certified mail and must attach to that statement the postal receipt showing proof of service in accordance with G.S. 1A-1, Rule 4(j2).