

Judicial District 33 – District Court Rules & Civil Case Management Plan

Davidson & Davie Counties

Effective 1 November 2024

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Rule 1 – General

- 1.1 Purpose - The purpose of these Rules is to provide a general framework for the just, fair, and timely resolution of legal issues impacting families, children, and individuals within this district, when court intervention is initiated by an individual, government agency or Officer of the Court. This court strives to incorporate administrative practices which promote timely resolution of legal issues affecting families and individuals, provide appropriate alternative dispute resolution services, ensure that participants are treated with dignity, respect and courtesy and assure uniform application and enforcement of these Rules. The Rules are to complement the North Carolina Rules of Civil Procedure, the North Carolina Rules of Evidence and the General Rules of Practice for Superior and District Courts.
- 1.2 Intent - These Rules are intended as the Local Rules for Civil District Court and to supplement any statutory provisions.
- 1.3 Authority - These Rules are adopted pursuant to N.C.G.S. 7A-146 of the North Carolina Rules of Civil Procedure and Rule 2(a) of the General Rules of Practice for Superior and District Courts.
- 1.4 Supercedence - All other previously adopted local rules and Administrative Orders regarding calendaring and procedural matters relating to domestic cases are superseded by these rules.
- 1.5 Application – These Rules apply to all civil cases in Davidson County and Davie County of the 33rd Judicial District except those matters in Small Claims Court, Child Support Cases handled by the IV-D Agency of the Department of Social Services, matters involving the Department of Social Services in Abuse/Neglect/Dependency cases and

Complaints filed pursuant to NCGS 50-B or 50-C. The 33rd Judicial District is not a Family Court district currently. However, these rules are designed to manage cases in a timely manner and provide more expeditious court time incorporating many of the practices of the Family Court model.

1.6 Court Coordinator – (CC). The Court Coordinator is delegated the authority for and is responsible for scheduling and calendaring matters in District Civil Court in accordance with the calendaring rules below. The current CC is Mariah Royea. She can be reached at mariah.j.royea@nccourts.org, (336) 242-6711, and by mail at 110 West Center Street, 3rd Floor, Lexington, NC 27292.

1.6.1 The Court Assistant (CA) is delegated the authority for and is responsible for scheduling and calendaring matters in District Civil Court in accordance with the calendaring rules below for Davie County Civil Sessions. Their contact information will be provided by the judges' office and available to all attorneys.

1.7 Compliance – Attorneys and self-represented parties shall comply with all components of the Rules set forth herein. Additionally, all parties and their attorneys, if any, shall inform the Clerk of Court **and** the Court Coordinator of any changes in contact information including mailing address, email address and phone number within 24 hours.

1.8 Citation – These Rules and any amendments shall be filed with the Clerk of Superior Court of each county in Judicial District 33. These Rules may be cited accordingly as Judicial District 33 District Court Civil Rules (33DCCR).

1.9 Availability of Rules – These Rules, any amendments, and all referenced forms shall be made available by the District Court Judges staff to each member of the 33rd Judicial

District Bar and posted on the “nccourts.gov” website under the section titled Local Rules and Forms for Davidson County. The District Court Judges staff will maintain a supply of Rules and associated forms to be provided upon request of any attorney or member of the public.

- 1.10 Forms – Except where specifically required herein, where local forms are required by these rules, counsel or unrepresented parties may use either the forms provided or a form of their own which substantially conforms to the specified court form. Local forms are found in the Appendices.
- 1.11 Self-Represented Litigants- All parties are encouraged to obtain competent legal representation in every case to ensure that their legal matters are handled adequately. Parties who wish to proceed as self-represented litigants are required to have knowledge of applicable state laws, procedures and rules relating to preparing and filing pleadings, serving opposing parties, sending required notices, presenting evidence in court, complying with the North Carolina Rules of Civil Procedure, and any other published legal literature as it pertains to legal issues which may arise during the litigation of a case. Self-represented litigants will be held to the same standard as attorneys and are required to have pertinent legal knowledge as it pertains to their lawsuit. Court Clerks, Judicial Administrative Staff and Judges are strictly prohibited from giving legal advice to any party, including self-represented parties. Only a licensed attorney may lawfully give legal advice. Please be advised that if a self-represented party is unsuccessful in a court hearing, there may not be another opportunity for reconsideration on the basis that they were not represented by counsel.
- 1.12 Communication with Judges – All participants in litigation are reminded that Attorneys and parties shall not communicate with a judge about any case except when

both parties or their attorneys are present, in open court in the course of official proceedings, in writing if a copy of the writing is provided to the opposing party or opposing counsel simultaneously or upon adequate notice to the opposing party or opposing counsel or otherwise as permitted by law. When circumstances arise which necessitate *ex parte* communication with the court, the moving attorney shall notify the judge of any other attorney who may be involved and should notify the opposing attorney of the intent to meet with the Court.

1.13 Conduct – Attorneys and self-represented litigants shall not engage in undignified or discourteous conduct. (See *e.g.*: comment 5 to RPC 8.4: [5] Threats, bullying, harassment, and other conduct serving no substantial purpose other than to intimidate, humiliate, or embarrass anyone associated with the judicial process including judges, opposing counsel, litigants, witnesses, or court personnel violate the prohibition on conduct prejudicial to the administration of justice. When directed to opposing counsel or the adverse party, such conduct tends to impede opposing counsel’s ability to represent his or her client effectively or impedes the unrepresented party’s ability to appropriately represent themselves. All attorneys and parties represented or not, and other persons present in the courtroom are subject to criminal contempt for their failure to maintain decorum in the courtroom, at the discretion of the presiding judge.

1.14 Notice of Appearance – An Attorney must file a Notice of Appearance, whether General, Limited, or Special, with the Clerk of Superior Court Immediately after being retained in a domestic matter and shall serve a copy on each counsel of record, unrepresented party, and the Court Coordinator simultaneously. An Attorney who files a suit for a Plaintiff or who files a timely responsive pleading for a Defendant does not

need to file a Notice of Appearance but does need to inform the Court Coordinator so the case and calendar can be updated.

- 1.15 Contact Information - All attorneys practicing in this district must provide a working e-mail address and phone number to the clerk of court and the CC and keep the information current.

Rule 2 Assignment of Judges

- 2.1 One Judge One Case - as matters are calendared for hearings and are heard, the matter will thereafter remain with the judge who heard the first issue. When scheduling any subsequent matters, the attorney or self-represented party shall notify the CC as to which Judge is assigned.
- 2.2 Currently Pending Cases - The Chief District Court Judge has asked the CC with the assistance of the Clerk of Court to conduct a review of pending domestic cases. Cases that are placed in an inactive status shall be assigned to a District Court Judge upon being activated in the same manner as new pleadings. Pending domestic cases that are determined to be active and not yet assigned, shall be assigned to a District Court Judge when they are next calendared for hearing. District Court Judges may use their discretion to retain jurisdiction of a case and assume assignment.

Rule 3 Civil Court Calendars

- 3.1 Posting of Calendars - Calendars for the scheduled terms of civil court in the 33rd District shall be prepared by the CC / CA as directed by the Chief District Court Judge. The Court Coordinator / Court Assistant shall post calendars to the "nccourts.gov" website a minimum of two (2) weeks in advance of the trial term. Official Notices

regarding the status of court terms, changes in schedules or other pertinent information shall be sent via email. The CC / CA shall maintain a list of current email addresses for any attorneys requesting such information and it is the responsibility of the attorney to provide an updated and valid email address to the Court Coordinator / Court Assistant.

- 3.2 Requirements for Attorneys: Calendars for court sessions will be published by posting them on the Davidson County page of the “nccourts.gov” website under the “Civil Calendars by Date” section. All attorneys shall subscribe to receive these calendars. Attorneys may subscribe by going to the “nccourts.gov” website, clicking the Court Dates tab, scrolling to Civil Calendars by County, selecting the county from the drop down, clicking search and scrolling to the bottom of the page. There will be a box to enter your email address under a title that says Calendar Subscription Service. Click subscribe after your email address has been entered.
- 3.3 Non-Appearance – Nonappearance of a party or an attorney, not pre-approved and/or with no communication, may be grounds for removal of the matter from the docket or dismissal of the claim or motion at the discretion of the presiding judge.
- 3.4 Civil Sessions in Davidson County run each week from Monday through Friday. Mondays are generally reserved for short matters that can be heard in ½ an hour or less. Matters will be scheduled by the Court Coordinator or Court Assistant (CA) for the balance of the week. The Chief District Court Judge may if necessary designate additional sessions of court.
- 3.5 Civil Sessions in Davie County occur on the second and fourth FULL calendar weeks of each month and run from Monday through Wednesday. Any Month that has a fifth week may be designated a “Mixed” session of court and civil matters may only be set by the CC or CA, the clerk of court in the case of *ex parte* domestic violence matters

pursuant to NCGS 50-B, or by Court Order. The Chief District Court Judge may if necessary designate additional sessions of court.

3.6 Calendar requests – All Calendar requests are to be submitted to the CC or CA for processing after being filed via email, mail, or hand delivery. The following requirements apply:

3.6.1 Requests must contain the case file number, the case caption, requested session date, the presiding judges name, if already assigned, each issue to be heard, the filing date of each pleading or motion, good faith estimated time needed for the hearing, the requesting party's name and email and address and phone number, and the name and email and address and phone number of the opposing self-represented party or attorney. If submitting via hand delivery, the date shall be left blank for the Court Coordinator to complete. The moving party shall attach to that form a self-addressed stamped envelope and a list of conflicts for the next three (3) months. If conflicts are not received in what the court coordinator deems to be a timely manner, the Court Coordinator will make a date determination. Upon determining a date, the Court Coordinator will mail and/or e-mail the Calendar Request to the moving party for filing. (Use form: D33-DOM001 Calendar Request)

3.6.2 Before filing the calendar request with the Clerk of Superior Court, the moving party shall get approval of the setting and the court date from the CC or CA by submitting the proper form with all required information. Attorneys shall not select a date amongst themselves for longer trials and shall wait for the Court Coordinator to provide the date of hearing. Due to the sheer volume of emails received on a daily basis, a minimum of three (3) business days will be allotted for a response from the Court Coordinator.

- 3.6.3 The CC / CA will respond to all requests to set a matter by providing the Court's next few available dates for the matter. The attorneys or parties shall respond to the CC and opposing counsel or party within five (5) business days with their availability for those dates. Reason(s) for **unavailability** must be specified (i.e. vacations, previously filed secured leave, necessity for a participating attorney or party to appear in another previously scheduled trial or court). The CC shall set the matter based on the availability of the attorneys involved and the availability of court time. The initial contact from either or both parties or attorneys with the CC to regarding or request available court dates shall include information to the CC as to whether either party will be requesting Department of Social Services records that have been received by the clerks' office, and/or if an interpreter will be required or if a WebEx hearing will be necessary. This will allow the CC to take those requests into consideration as to the setting of the court date.
- 3.6.4 If, after the CC / CA provides available court dates for the matter, there is no response from one attorney or party regarding their availability for those dates, the requesting attorney shall contact the opposing counsel or attorney to request a response. If no response is made to the CC / CA and opposing counsel or party within three (3) calendar days (not business days) of the request as to their availability, the CC / CA will set the case.
- 3.6.5 All calendar requests for a session of court shall be filed with a minimum of ten (10) business days' notice. No matters may be calendared within ten (10) business days except with the express permission of the presiding judge in coordination with the Court Coordinator. A calendar request is considered a complete filing if a Notice of Hearing

and Certificate of Service are filed simultaneously. Filings that do not contain all three (3) components will not be accepted and the matter will not be placed on a docket.

3.6.6 The CC / CA will set matters for trial taking into consideration the judge assigned, if any, the time required, the requested dates of the parties or attorneys and dates of unavailability. The CC / CA will set cases as backups as experience and judgment dictate. The Court Coordinator has the authority to limit the number of matters scheduled for a single day or for any term of court.

3.7 Temporary Hearings

3.7.1 Time limitations: Hearings conducted on a temporary and limited basis shall be, as closely as possible, limited to one hour or less. In the discretion of the presiding District Court Judge, each party may be allotted up to thirty (30) minutes and may use that time for argument and/or the presentation of evidence in the discretion of each party.

3.7.2 Affidavits: At abbreviated and/or temporary hearings Evidence may be presented formally or in the discretion of the presiding judge and with advanced notice to both the court and the opposing parties, because of the limited duration of such hearings, in the form of affidavits or verified pleadings. The Rules of Evidence *may* be relaxed in the discretion of the presiding judge to receive business records or documents referred to in affidavits without calling additional witnesses to lay a formal foundation if they appear regular on their face or have other indicia of reliability and if the ends of justice will be served by doing so. Copies of all affidavits being tendered to the Court shall be exchanged between parties prior to the hearing date. Financial affidavits are governed by Rule 6 below. All other affidavits shall be provided by the moving party to the opposing party or opposing counsel at least two (2) business days before the scheduled hearing date and any rebuttal affidavits by the responding party shall be served on the

moving party or their counsel at least one (1) business day prior to the scheduled hearing. The permitted methods for exchange of affidavits to be used for abbreviated hearings shall include fax, email, and hand delivery during regular business hours. This paragraph does not confer an absolute right to present affidavits or records. Rather, the presiding judge may, discretionarily, allow them.

- 3.8 Order of Appearance: Cases shall appear on the Motions calendar and Peremptory Calendar in the order designated by the presiding District Court Judge.
- 3.9 Pleadings and Motions shall be filed before a court date is addressed or contemplated. A court date will not be determined for any cases or Motions not formally filed with the Court.
- 3.10 Certifications regarding the completion of Custody Mediation or Family Financial Mediation shall also be made when applicable. For cases requesting Custody and Equitable Distribution, a representation that mediation has been completed, waived by order, or that a confirmed mediation date has been set prior to the requested court date shall be sufficient.
- 3.11 CC Authority: The CC has full discretion to determine dates of hearing. Cases shall not be set on a docket without the coordination and approval of the District Court Judges office, CC, or another Chief District Court Judge designee. All requests for hearing shall be approved prior to filing a calendar request.
- 3.12 Cases Calendared by Court Order – Some matters may be calendared by a court order.
 - 3.12.1 Continuance Orders: Any Order continuing a case from one session of court to a future session of court shall be provided to the CC as soon as reasonably possible after the

filing of the Order. All parties shall have an obligation to confirm and verify that the CC has received the Order and has been provided notice of the new court date.

3.12.2 Ex Parte Orders: A copy of any *ex parte* Order that sets a return date shall be provided to the CC immediately upon the filing of such Order with the Clerk of Superior Court by the filing party. All parties shall have an obligation to confirm and verify that the CC has received the Order and has been provided notice of the new court date. Ordinarily, the judge signing an *ex parte* order will not set a date for the return hearing but will direct the attorney to confer with the CC to determine the appropriate date.

3.12.3 Show Cause Orders: Any party filing a request for Contempt and Order to Show Cause shall approach an available District Court Judge with the appropriate verified pleadings and request that an Order to Show Cause be entered. If the Judge finds that there are sufficient grounds for the Order to be entered, the Judge shall set an appearance date for the soonest available Civil session for a first appearance. Copies of the Order shall be provided to the Court Coordinator immediately to ensure the case is set on the docket as Ordered.

Rule 4 Other Court Obligations

4.1 It is important that Counsel not seek a setting or a date certain setting in any case when they are already obligated to appear in other courts. Counsel shall follow Rule 3.1 of the General Rules of Practice in resolving any scheduling conflicts which may arise. Counsel is expected to inform the CC / CA and court of any other appearances required when there is a request for a court date. Upon receipt of an assigned date from the CC / CA, counsel shall take the necessary steps to avoid conflicts with other courts. In particular, counsel practicing in Davidson and Davie County Criminal Superior Court shall

immediately notify the District Attorney's Office in writing of the date and time of the domestic setting and *request* that no criminal cases be set that would create a scheduling conflict. If a scheduling conflict arises, counsel shall immediately upon learning of the conflict, communicate with opposing counsel, the CC / CA, and the presiding judge to comply with Rule 3.1 of the General Rules of Practice.

Rule 5 Financial Affidavits

- 5.1 Child Support, Post-Separation Support & Alimony: The party seeking child support, post separation support or alimony in a complaint, answer or motion **shall** file a financial affidavit with their pleading and serve it upon the opposing party in accordance with Rule 5 of the North Carolina Rules of Civil Procedure. For child support matters that do not request deviation from the NC Child Support Guidelines, a current pay stub or other physical proof of current gross income is sufficient. The responding party **shall** also file and serve upon the moving party a financial affidavit (and/or proof of current income) with any responsive pleading. Or, in the event there is no responsive pleading, no later than ten (10) business days prior to a hearing or scheduled mediation on the matter. This affidavit shall be Financial Affidavit D33-DOM4 or D33-DOM4a (Excel or Word version) or shall conform substantially. A current pay statement shall be attached to the affidavit. Financial affidavits executed pursuant to this rule shall be admissible without further authentication, so long as the person who executed the affidavit is present in court. In every action, the presiding judge have the authority to limit the presentation of the parties' evidence.
- 5.2 Equitable Distribution: The filing of equitable distribution inventories is mandated by statute and the filing of verified local forms for District 33 is mandated by these rules.

The filing of the following forms is required to proceed with claims for equitable distribution and is necessary to the Court's consideration of these claims, and the failure to file them may result in a bar to the presentation of other evidence, a dismissal of the moving party's claim or other sanctions as deemed appropriate by the Court.

5.2.1 Equitable Distribution Scheduling Conference (EDSC). Within thirty (30) days after the service of the responsive party's EDIA, the party first serving the pleading or application shall apply to the Court to conduct an EDSC. In any event, the party who first asserted the claim for Equitable Distribution shall schedule the conference within one hundred twenty (120) days after the filing of the initial pleading or motion in the cause for equitable distribution. If that party fails to make an application, then the other party may do so. At the EDSC, the Court shall:

- (a) determine a schedule of discovery and set a date for completion of discovery;
- (b) consider and rule upon any discovery motions and/or protective orders; A protective order shall be granted for unduly voluminous discovery and discovery issued for the purpose of delay;
- (c) consider and rule upon any motions for appointment of expert witnesses/appraisers, or other applications, set a date for the disclosure of expert witnesses;
- (d) determine the date of separation if the parties are not in agreement;
- (e) set a date for the initial pretrial conference. Within sixty (60) days after the EDSC, or in any event no later than one hundred and eighty 180 days after the initial pleading for equitable distribution the parties shall attend the initial pretrial conference.

- (f) unless the parties have previously completed mediation or other settlement procedure, order the parties and their counsel to attend a mediated settlement conference or, if the parties agree, other settlement procedure. The court shall set a deadline for same and appoint a mediator or other appropriate neutral if the parties have been unable to agree on same.
- (g) set a date for entry of pretrial order, determination of usage of short or long form pretrial order and who shall prepare the order;
- (h) To rule on any relevant temporary orders.

5.2.2 Initial Pretrial Conference (IPC). At the Initial Pretrial Conference, the Court shall:

- (a) Make inquiry as to the status of the case including the status of completion of mediation or other settlement procedure, the completion of securing expert witnesses and appraisals/valuations and;
- (b) determine a date on or after which a final pretrial conference shall be held and a date on or after which the case shall proceed to trial. Within thirty (30) days after the IPC, or in any event no later than two hundred and seventy (270) days after the initial pleading for equitable distribution the parties shall attend the final pretrial conference.
- (c) Set a date for trial.
- (d) The Court shall direct one attorney to prepare the order based on the EDSC to be presented to their opposing counsel or self-represented opposing party within fifteen (15) days. The opposing counsel or self-represented opposing party shall respond with any objections within

seven (7) days. Otherwise, the order may be presented to the Judge for entry.

5.2.3 Final Pretrial Conference (FPC). At the Final Pretrial Conference, the court shall rule upon any remaining matters reasonably necessary to affect a fair and prompt disposition of the case in the interest of justice. The Court shall direct one attorney to prepare the order based on the EDSC to be presented to their opposing counsel or self-represented opposing party within fifteen (15) days. The opposing counsel or self-represented opposing party shall respond with any objections within seven (7) days. Otherwise, the order may be presented to the Judge for entry. Modifications in the applicable Pre-Trial Order may be made at any time prior to trial with the consent of the parties **and** the Presiding Judge.

5.2.4 Referees. The Court may order a referee before entering final judgment to assist the Court in resolving factual disputes concerning ownership of or identification of marital property or valuation of specific assets. The cost of such a referee, unless otherwise agreed to by the parties and approved by the Court, will be taxed as part of the cost, and apportioned as deemed appropriate by the Judge, and may be required to be paid in advance.

5.3 Timely Filing Mandatory: it is mandatory that each party prepare, file, and serve the District 33 Financial Affidavits, District 33 Equitable Distribution Forms, and Inventories in a timely manner, in advance of scheduled mediation or court hearings, in order to provide information for candid efforts toward settlement, to allow adequate preparation for mediation or trial and to reduce the amount of time required for settlement conferences or trials.

5.4 Duty to Supplement: All financial information contained in these forms shall be treated as continuing discovery pursuant to Rule 26 of the North Carolina Rules of Civil Procedure and each party is required to promptly supplement their financial affidavits, equitable distribution forms and inventories if the relevant facts or circumstances change.

5.5 Employers' Affidavits in Child Support, Post-separation Support and Alimony Cases. In all cases involving child support, post-separation support and/or alimony, each party may submit to his or her employer an affidavit in form substantially equivalent to Form D33-DOM005. Upon completion by the employer, a copy of the affidavit shall be served on the opposing party's counsel (or on the party, if the party is unrepresented), and the original shall be filed in the case file at the courthouse. These affidavits shall be completed, served, and filed at least ten (10) business days prior to a scheduled hearing. Unless a party prior to trial files and serves a written objection to an employer's affidavit, and also issues a subpoena for the maker of the affidavit, an employer's affidavit shall be admissible in evidence without further foundation or authentication and shall be considered by the court in setting support. A party or the party's counsel may serve an employer's affidavit, together with a subpoena to produce documents for the date of the scheduled hearing, on the employer for the opposing party, and may advise the opposing party's employer by letter that the employer may avoid the necessity of appearing in court by returning the completed affidavit to the requesting party. A suggested form for such a letter is found in Form D33-DOM005 All parties are reminded that obstruction of discovery may result in sanctions up to and including dismissal of a claim.

Rule 6 Forms

- 6.1 Forms: A Calendar Request form is available on the Davidson and Davie County page of the “nccourts.gov” website under the local rules and forms section. All Calendar Requests filed shall be on this provided form or a form that substantially conforms. All issues to be heard must be listed on the form D33 – DOM 001.
- 6.2 Completeness - All information requested shall be completed. All fields of the Calendar Request form are required. If the form is not sufficient, the Court Coordinator may return the form to the requesting party and await a new filing of appropriate and completed pleadings prior to setting the case on any docket.
- 6.3 Notice of Hearing: The party requesting the hearing date shall give notice of the requested court date to the opposing party in accordance with the North Carolina Rules of Civil Procedure.
- 6.4 Forms for Equitable Distribution and Filing Requirements: Please use the local forms provided. Equitable Distribution Inventory Affidavit D33 – DOM 002, Pre-Trial Equitable Distribution Order D33 – DOM 003, Financial Affidavit (Excel) D33 – DOM 004, Financial Affidavit (Word) D33 – DOM 004a. Any responsive ED Inventory shall list property in the same order/format as the initial inventory. In accordance with N.C. Gen. Stat. § 50-21, within 90 days after service of a claim for equitable distribution, the party who first asserts the claim shall prepare and serve upon the opposing party an equitable distribution inventory affidavit listing all property claimed by the party to be marital property and all property claimed by the party to be separate property, and the estimated date-of-separation fair market value of each item of marital and separate property. Within 30 days after service of the inventory affidavit, the party upon whom

service is made shall prepare and serve an inventory affidavit upon the other party. The inventory affidavits prepared and served pursuant to this subsection shall be subject to amendment and shall not be binding at trial as to completeness or value. The court may extend the time limits in this subsection for good cause shown. The affidavits are subject to the requirements of G.S. 1A-1, Rule 11, and are deemed to be in the nature of answers to interrogatories propounded to the parties. Any party failing to supply the information required by this subsection in the affidavit is subject to G.S. 1A-1, Rules 26, 33, and 37.

- 6.5 Mediation & Alternative Dispute Resolution: Any domestic case where equitable distribution has been prayed for must certify that family financial mediation has occurred or has been waived by the court prior to the request of any court dates for trial on equitable distribution. Any domestic case relating to custody including motions to modify custody and motions for a permanent determination must certify that custody mediation has been attempted or waived by the court prior to any request for court time. Cases that have not met those requirements will not be set for a hearing until such time as mediation has been completed or has been waived by the assigned judge (which may occur by hearing on a motion to waive or by consent order). See ADR, Rule 14.

Rule 7 Ex Parte/Emergency Relief

- 7.1 General - While *Ex Parte* relief may be appropriate and authorized under specific circumstances, the nature of relief based on the allegations of only one party without the opportunity for the opposing party to respond carries a heightened danger of abuse and unjust results. Counsel for moving parties should ensure that prior to requesting such relief that it is appropriate procedurally, substantively, and ethically. Counsel

should be prepared through pleadings and affidavits to clearly demonstrate the need and legal basis for emergency relief. All requests for emergency or *ex parte* relief shall be made, in person by the attorney or self-represented party. If the relief sought is in a case that has already been assigned to a judge, the motion must be presented to that assigned judge. If the request for relief is granted, the judge shall order an appropriate return hearing with a date approved by the Court Coordinator. The case shall then be assigned to the judge presiding over the session for which the return date is set (for new pleadings). Cases already assigned shall be heard by and set in front of the previously assigned judge. If the pleadings do not meet the statutory requirements, the presiding judge reviewing the case shall enter an Order denying the relief requested. Parties may at that time follow the regular procedure and requirements for calendaring set forth herein. If scheduling does not allow a setting before the assigned judge within a reasonable time (as determined by the TC) another judge may hear the matter.

7.2 Compliance: In addition to the requirements of these local rules, parties or attorneys seeking *ex parte* relief shall do so in conformity with the North Carolina Rules of Civil Procedure, statutory provisions, Rule 11 of the North Carolina Rules of Civil Procedure, and the Rules of Professional Conduct whenever applicable.

7.3 Notice: When a party seeking *ex parte* relief has reason to believe that the other litigant is represented by counsel, in addition to notifying the judge of such representation, reasonable effort shall be made to notify opposing counsel that emergency relief will be sought so that opposing counsel may be present when the request is made. The attorney seeking *ex parte* relief has an affirmative duty to inspect the court file, if any, to determine whether there is opposing counsel or not.

- 7.4 Hearing: Consideration by the Court of such relief may be made in chambers upon arguments of counsel and verified pleadings or in open court as deemed appropriate by the presiding judge.
- 7.5 Limited Scope and Duration of Relief: It is recommended that the scope and duration of the *ex parte* relief granted be limited in nature to the extent deemed necessary by the Court, but no further. A return hearing date that has been approved by the CC shall be set for any *ex parte* relief granted if required by law or if such is deemed appropriate by the signing judge.
- 7.6 Requirement to Disclose Adverse Facts: Counsel or a party seeking *ex parte* relief are reminded of Rule 3.3 of the North Carolina Rules of Professional Conduct regarding “Candor to the Tribunal” and shall disclose to the Court “all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse.”
- 7.7 Sworn Allegations: All facts and circumstances used in support of a request for emergency *ex parte* relief shall be made under oath in an affidavit or verified pleading. Seeking such relief on grounds not alleged in the complaint or motion is prohibited.
- 7.8 Duty to investigate: Due to the danger of results that may be adverse to the best interests of children involved and the risk that the children may be collateral damage in “gamesmanship” designed to gain advantage in litigation, Attorneys have an affirmative duty to investigate the allegations and ensure a reasonable factual basis to file an *ex parte* motion exists.

RULE 8 EXPECTATIONS AND OTHER REQUIREMENTS

- 8.1 **Jurisdiction:** Parties and their attorneys shall exercise special care to comply with the jurisdictional requirements of any domestic case filed. Jurisdictional issues that arise may be complex. In claims for custody, jurisdictional information required by the Uniform Child Custody Jurisdiction and Enforcement Act set forth in Chapter 50 of the North Carolina General Statutes is essential and mandatory. If required jurisdictional information is not provided, proceedings may be stayed until such time as the necessary information is provided. If a jurisdictional basis is lacking, an action may be dismissed. If authorized by statute, costs and fees may be assessed against a party.
- 8.2 **Readiness for Trial:** Parties and their attorneys shall not calendar a case for hearing without first taking reasonable steps to ensure they will be available and prepared to hear the matter as scheduled. Continuances for the calendaring party are particularly disfavored. All parties involved in cases appearing on the court calendar are expected to be prepared and ready for trial on the scheduled trial date unless a different time has been set by the presiding judge or Court Coordinator or the case has been continued to another session. Counsel must comply with the provisions set forth in the “General Rules of Practice for Superior and District Courts” regarding their appearance for court hearings or conferences and notification requirements for scheduling conflicts. Unless notified to the contrary, it may be assumed by the Court and opposing party that the calendaring party/counsel will be available to hear the case as requested.
- 8.3 **Notice of Change in Case Status:** Written notice of any settlement or change in case status shall be provided to the Court Coordinator within forty-eight (48) hours of the settlement. If a consent order is not signed or presented to the presiding judge the

day before the date set for trial, the case will remain on the docket and all parties must appear on the scheduled date and time.

Rule 9 CONTINUANCES AND REMOVALS

- 9.1 Continuances: Civil cases shall be addressed in a timely and efficient manner. When a case is set on a docket, continuances are strongly discouraged. However, when compelling reasons are presented that may affect the fundamental fairness of the trial process, a continuance may be granted for good cause.
- 9.2 Motions & Written Requests: A request to continue shall be made in the form of a filed Motion to Continue and should be provided to the Court Coordinator upon filing. Oral motions may be permitted by the presiding judge if the circumstances of the continuance request were not known until immediately preceding the start of court. An email to the Court Coordinator is not sufficient. Parties and attorneys MAY NOT CONTINUE OR REMOVE A MATTER BY AGREEMENT without prior approval from the CC and/or presiding judge. Absent approval, a case may not be removed from the trial docket unless the plaintiff or movant dismisses the claim or action, or the matter settles, and an order is signed prior to the trial date. Otherwise, ALL parties and attorneys shall attend.
- 9.3 Timely Filings: Non-emergency Motions to continue a matter should be filed a minimum of five (5) BUSINESS DAYS PRIOR TO THE SESSION OF COURT FOR WHICH THE MATTER IS SCHEDULED. If the Motion to Continue is not heard prior to the date the matter is scheduled, all participants must still appear at the date and time of the hearing. Parties should not expect that a matter will be continued simply because the other side agrees. The Judge shall rule on the Motion to Continue as time permits. All

parties shall have an opportunity to be heard on any Motion to Continue after being properly served upon the filing of the motion. Distribution of the request must be made by the quickest means feasible, including facsimile transmission, electronic mail, or hand delivery.

- 9.4 Factors for consideration in Motions to Continue: Factors to be considered by the Court when deciding whether to grant or deny a Motion to Continue may include: 1) the impact on the children and parties if the issue is continued and not resolved, 2) whether or not there is a Temporary Order in place addressing the issue to be litigated, 3) the impact of a continuance on the safety of the parties involved, 4) whether the issue has been identified statutorily as an issue which shall be heard expeditiously, 5) the age of the case and age of the motion, 6) the status of the calendar for the session in which the case has been set to be heard as well as if the case was set peremptorily, 7) the number of prior continuances by the moving party and the grounds for such continuances, 8) the amount of input the parties had in the scheduling of the hearing, 9) the due diligence of counsel to promptly make the Motion to Continue as soon as practicable, 10) whether the reason for the continuance is a short-lived event that may resolve prior to the scheduled hearing date, 11) whether the basis of the Motion is the existence of a legitimate conflict with scheduling of another court, 12) the period of delay caused by the continuance, 13) the position of opposing counsel or unrepresented parties, 14) the degree to which parties themselves consent to or oppose the continuance, 15) present or future inconvenience or unavailability of the court, parties, attorneys or witnesses if the request is granted, 16) and any other factor that promotes fair administration of justice.

Rule 10: Conflict Cases

- 10.1 Ordinarily: If none of the regularly assigned judges can hear a case due to conflict of interest issues, a special session of court may be scheduled with an out of district or emergency judge on an as needed basis.
- 10.2 Designation of a Conflict Case: A case is tentatively designated as a conflict case when one or both parties notify the Court Coordinator that a conflict exists and an out of county judge is required. Such party shall submit a letter to the Court Coordinator's office requesting an out of county judge. The letter shall include a) the case file number and parties' names, b) the circumstances which necessitate the request, c) the issues to be heard, and d) the amount of time required for the hearing. Disputes as to the designation of a conflict case shall be resolved by the Chief District Court Judge. Parties should expect a hearing date based on the availability of the conflict judge and the existing court schedule. When parties request an out of county judge, all parties are expected to make every effort to be available on the date determined by the Court Coordinator.

Rule 11: Miscellaneous Matters

- 11.1 Administrative Calendars: The Court Coordinator shall periodically review all pending domestic cases which have been pending for more than one (1) year. If a case has had no activity for a year or more, the Court Coordinator may prepare an Order declaring the case inactive without prior notification to the parties or attorneys. The Order may be signed by any District Court Judge of the Thirty-Third Judicial District and shall be filed in the clerk's office with copies to counsel and self-represented parties. An

inactive case may be activated by the filing of new pleadings or the calendaring of issues for hearing. A designation of inactive status is not intended to prejudice the parties in pursuing litigation. Rather, it is intended to eliminate the administrative tracking of cases whose parties have taken no action for a significant period of time.

11.2 Entry of Orders: A proposed formal Order or Judgment reflecting the ruling of the Court shall be promptly prepared by the prevailing party unless otherwise directed by the presiding judge. Such Order shall be submitted to opposing counsel/opposing unrepresented party for review and a good faith effort shall be made to agree upon the provisions of the Order. If no Order has been tendered within thirty (30) days of the Court's ruling, the opposing party may prepare and tender a proposed judgment for review. If no Order has been agreed upon within ten (10) business days of receipt of a proposed Order, unless the receiving attorney or party requests additional time to review the proposed order, each party may thereafter submit a proposed Order to the Judge for review and consideration. Conferences with a presiding judge prior to submission of drafts shall not be held regarding Order entry unless specifically set by the presiding judge. All communications with the Court shall be in accordance with the North Carolina Rules of Professional Conduct and shall include all necessary parties. It is incumbent upon the presiding judge to ensure that orders are timely entered. If there is no order entered after 14 days of said order being submitted to the presiding judge, either party may make application to the CC to request a court date for the entry of the order.

11.3 No-Mail-in Judgments- To avoid conflicts where a matter is scheduled for arbitration or other hearing and the parties have reached an agreement, Consent Judgments and Default Judgments may not be mailed to the clerk for a judge's signature. An attorney

or self-represented party must approach the CC personally, advise the CC the pending status of any hearings and must then ensure the order is properly clocked in and filed sufficiently in advance of the scheduled hearing. If a matter has already been scheduled for a hearing, whether in arbitration or otherwise, the attorney or self-represented party shall coordinate with the CC and/or the Arbitration Coordinator. If, because the filing was not accomplished in time or the party failed to coordinate with the CC or Arbitration Coordinator, the parties shall still be responsible for any costs assessed for the hearing, including any arbitration fees.

11.4 Requesting DSS Records: When a party in Davidson or Davie County seeks records from the Department of Social Services (DSS) relating to a party in the same case, the following procedures shall apply;

- A) a subpoena duces tecum shall be used to initiate the process, the requesting party shall comply with Rule 45(c) of the Rules of Civil Procedure by taking reasonable steps to avoid imposing an undue burden or expense on the Department of Social Services (DSS).
- B) DSS shall turn over any Child Protective Services records generated by DSS to include reports, narratives, safety assessments and case plans and/or any other documents to the clerk of Superior Court and will include a standard protective Order with appropriate findings from the court authorizing such disclosure. Reporter information contained in the records shall be redacted by DSS prior to providing the records. Information in the records obtained by a third party, the release of which would be a violation of Federal Law shall also be redacted prior to the providing of such records unless otherwise directed by the Court. The presiding judge shall review the proposed protective order and after an *in*

camera review of the records (review for relevance in chambers), the judge may sign the order and allow release of the records in accordance with the Order.

- C) Counsel or self-represented parties are tasked with checking to see when records have arrived and scheduling the in camera review for the presiding judge's Civil term immediately preceding the hearing date. No trial shall be delayed because the parties did not ask the judge to conduct the in camera review and sign an appropriate protective order prior to the trial date.

11.5 Webex Hearings: Webex matters will be set at the discretion of the Judge that will be presiding over the matter pursuant to the rules of the North Carolina General Rules of Practice for District and Superior Courts. Motions for Remote Participation must be filed in accordance with Rule 2 and Rule 22 of the North Carolina General Rules of Practice for District and Superior Court Courts. Motions must be filed at least five (5) days before the hearing. If the request is approved, the email addresses of all parties and attorneys in the matter must be sent to the CC to avoid ex parte communication. Generally, requests for named parties to appear by Webex will be denied absent extraordinary circumstances. The CC will be responsible for scheduling the Webex hearing and giving host permission to the courtroom clerk.

11.6 Pre-trial Conference: Pursuant to Rule 16 of the North Carolina Rules of Civil Procedure, in any action, the court may in its discretion direct the attorneys for the parties to appear before the court for a pre-trial conference to consider the following:

- (a) The simplification and formulation of the issues;
- (b) The necessity or desirability of amendments to the pleadings;

- (c) The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;
- (d) The limitation of the number of expert witnesses;
- (e) The advisability or necessity of a reference of the case, either in whole or in part;
- (f) Matters of which the court is to be asked to take judicial notice;
- (g) Such other matters as may aid in the disposition of the action.

11.6.1 For cases involving Self-represented litigants, the presiding judge shall determine the necessity for a pre-trial conference. Pre-trial conferences and orders are not required in uncontested divorces, default judgments, magistrate cases and magistrate appeals.

11.6.2 The sitting Judge or the Judge scheduled to preside over the matter may require the attorneys to, at least twenty-one (21) days prior to the trial date, arrange to hold a Pre-trial Conference no later than seven (7) days before trial date.

11.6.3 If a conference is held, the judge shall make an order which recites the action taken at the conference, any amendments allowed to the pleadings, and any agreements made by the parties as to any of the matters considered, and which may limit the issues for trial to those not disposed of by admissions or agreements of counsel; and such order when entered controls the subsequent course of the action, unless modified at the trial to prevent manifest injustice. If any issue for trial as stated in the order is not raised by the pleadings in accordance with the provisions of Rule 8, upon motion of any party, the order shall require amendment of the pleadings. A pre-trial order shall be prepared and signed by the attorneys and the judge at the conclusion of the conference.

11.7 Inherent Power: These local rules are intended to enhance the efficient administration of justice in domestic cases, but nothing contained herein shall deprive a

presiding judge or Chief District Court Judge of their statutory or inherent powers. It is recognized that these rules are not complete in every detail and will not cover every situation that may arise. If these rules do not cover a specific issue, all parties shall act in accordance with the directives of the Chief District Court Judge, a presiding judge, or a designated court administrator.

11.8 Attorney Fees- At any hearing where an attorney has noticed a claim for attorney fees, the attorney seeking fees shall introduce an affidavit prior to the hearing's conclusion showing the attorney's time expended up to the day prior to the date of the hearing, hourly rate, the skill required, the experience and/or ability of the attorney, and statement of customary and usual rates for similar attorney services in the community. A copy of the affidavit shall be served upon opposing counsel or the opposing party if they are unrepresented. The opposing party may review and submit objections to the attorney fee affidavit. If the opposing party requests more time to review the attorney fee affidavit, then the Court shall afford the party an opportunity for review and to submit written objections within seven (7) business days of the hearing. If the opposing party informs the Court of its intent to submit written objections within seven (7) business days, then the Court shall take the matter under advisement and rule on the matter after receiving and reviewing said objections. Where no objection is made within the time period, the Presiding Judge will accept the affidavit and rule thereon. No award of attorney fees will be made unless the affidavit is properly introduced and served.

11.9 Bankruptcy. Any request to continue, hold or in any other way delay disposition of a case due to bankruptcy of one or the parties must be accompanied by certification of the bankruptcy filing of stay of proceedings from the United States Bankruptcy Court

having Jurisdiction. The attorney for the bankrupt party shall prepare an injunction pursuant to the above authority, which shall be filed with the Clerk of Court and be presented to the appropriate judge. After sufficient notice, the Presiding Judge may remove the matter from the active calendar and place it on inactive status because a petition for bankruptcy has been filed staying the proceedings. Such notice may be in writing by way of letter or in the form of a calendar. Civil actions in which one of the parties declares bankruptcy will be disposed of in accordance with the following authority and procedure: The Rules of Forms of Practice and Procedure in Bankruptcy and Title II of the Code of Laws of the United States of America.

Rule 12: Discovery

- 12.1 Required- Full and timely discovery is essential for the prompt resolution of matters. It facilitates settlement and is essential for proper preparation for trial. All parties and attorneys shall fully comply with the discovery statutes and rules. By way of emphasis and supplement:
- 12.2 Objections- Should a party wish to object to disclosure of any kind, an appropriate motion for a protective order must be filed and heard. Otherwise, parties and attorneys should be mindful of the "Wide Open Discovery Policy" of North Carolina and comply with statutes and case law.
- 12.3 Admissibility- Any document or information not disclosed shall not be admitted in trial of the matter. It is the responsibility of the party seeking introduction to show compliance with discovery requirements.
- 12.4 Discovery matters shall be addressed by the court at a pretrial conference and/or pretrial scheduling conference as provided in Rule 11.6, to allow for timely responses

and resolution of protective orders, motions to compel and objections to production of documents, to include the entry of any necessary orders to conclude discovery matters prior to a scheduling hearing or trial date.

- 12.5 Requests for Admissions- Any Request for Admission that is not admitted or denied within 30 days of service of Requests for Admission is deemed admitted, unless the party from whom the Requests for Admission are demanded shall have secured a 30-day extension to answer discovery, or unless the parties have agreed to a different deadline. Any admission that is deemed admitted may be used by the Court for any determination on the merits, on summary judgment, and / or on any Motion by the demanding party for sanctions or attorney fees.

Rule 13: Sanctions

- 13.1 Generally- Failure to comply with any of these rules shall be sufficient grounds to deny any request made by said party and furthermore shall subject an action to dismissal or other sanctions allowed by law and deemed appropriate at the discretion of the Presiding Judge.
- 13.2 Financial Needs Affidavit- Failure to file Form D33-DOM004 Financial Needs Affidavits may, in the discretion of the Presiding Judge, result in the responsible party's proffered testimony (either written or oral) not being allowed into evidence by the Court and may result in imposition of sanctions as set forth in Rule 37 of the North Carolina Rules of Civil Procedure, Rule 11 of the North Carolina Rules of Civil Procedure, or the inherent authority of the Court to sanction improper conduct.
- 13.3 Equitable Distribution - Equitable Distribution Inventory Affidavit. In accordance with NCGS §50-21(a), Equitable Distribution Inventory Affidavits are subject to the

requirements of Rule 11 of the Rules of Civil Procedure and are deemed to be in the nature of answers to interrogatories. Any party failing to supply the information required in the affidavit is subject to Rules 26, 33 and 37 of the Rules of Civil Procedure.

13.4 Obstruction or Delay in Discovery- In accordance with NCGS §50-21(e), upon motion of either party or upon the court's own initiative, the court shall impose an appropriate sanction on a party when the court finds that: a. the party has willfully obstructed or unreasonably delayed, or has attempted to obstruct or unreasonably delay, discovery proceedings, including failure to make discovery, or has willfully obstructed or delayed or attempted to delay any pending equitable distribution proceedings, and the willful obstruction or unreasonable delay of the proceedings is, or would be, prejudicial to the interests of the opposing party.

13.4.1 Sanctions under NCGS §50-21(e) may include the following orders for the obstructing or delaying party to pay the other party:

A) Reasonable expense and damages incurred because of the willful obstruction or unreasonable delay,

B) Reasonable attorneys' fee,

C) Pay the fee for an accountant, appraiser, or other expert to be appointed by the Court whose services the court finds are necessary to secure in order for the discovery or other equitable distribution proceeding to be timely conducted.

13.4.2 Exception- Delay consented to by the parties is not grounds for sanctions. But such delay may not postpone any trial dates that have been set.

Rule 14: Alternate Dispute Resolution

14.1 Child Custody: In Accordance with State Law, ALL matters of custody or modification of custody shall attempt some form of alternate dispute resolution prior to permanent trial in the county in which the action is filed. Recognized forms of alternate dispute resolution for custody cases are private mediation, entry of an Order by Consent, or participation in the public Custody & Visitation Mediation Program. Nothing herein shall be construed to prevent any parties or their counsel from requesting temporary or emergency hearings prior to the completion of the alternate dispute resolution requirement. The public mediator can be reached at custody22@nccourts.org.

14.1.1 Authority - The Judicial District 33 Custody and Visitation Mediation Program was established April 3, 2007, under the North Carolina General Statutes §7A-494, §7A-495, and §50-13.1.

14.1.2 Purpose and Goals of the Program- The purpose of the Custody Mediation program is to provide the services of a skilled mediator to the parties involved in a custody and visitation dispute. The goal of the program is to reduce stress and anxiety experienced by children in separation and divorce by furnishing an alternate way for the parties to resolve these disputes. The mediator helps the parties reorganize the family in order to continue parenting their children despite the separation and assists them in recognizing and meeting the needs of their children. A successful mediation will help the parties put a Parenting Agreement in writing, teach them to resolve future problems without recourse to the courts, and reduce the re-litigation of custody and visitation disputes.

14.1.3 Referral to Mediation– All actions involving unresolved issues of permanent custody and visitation, and motions to modify permanent custody, shall complete public

mediation, private mediation, or file a consent order resolving the issues prior to trial by either the Chief District Judge or the Trial Judge scheduled to hold civil court in the county in which the action is filed. Such referral will be made at the time the action is filed or noticed for hearing, unless a motion to waive mediation is filed, and/or the Judge waives the mediation.

14.1.4 Procedure for Referral

- (A) Attorney Referral Phase: The Order and Notice of Court Events in Custody Actions will be filed within 45 days of an original filing for custody or visitation, or a modification to custody or visitation unless the case will be utilizing private mediation or filing a consent order. The moving party is responsible for noticing all parties and counsel via an Order and Notice of Court Events in Custody Actions. A copy of the Order and Notice of Court Events in Custody Actions, along with a Certificate of Service shall be filed with the Clerk of Courts. Once served, parties shall comply with the order to complete the orientation process within ten (10) days. Parties failing to comply with this order will be subject to the contempt powers of the court.
- (1) 50B Cases – Upon referral, Attorneys and unrepresented parties are responsible for providing the Custody Mediation Program with a copy of any Domestic Violence Protective Order (DVPO) relevant to a case that has been referred for Mediation. DVPOs that indicate the parties shall have “no contact” where no additional provision for communication regarding the children or participation in mediation is written into the DVPO will not be mediated unless ordered to do so by a judge. Cases where either party has been convicted of violating a DVPO are by

default inappropriate for participation in the public mediation program. Cases where there exists an Ex Parte DVOP cannot be scheduled for mediation until a permanent hearing takes place. During their participation in the program, parties subject to a DVPO shall continue to abide by said Order at all times when outside the presence of the Custody Mediator. Neither the mediator nor the parties have the authority to modify a Domestic Violence Protective Order without the approval of the court. If the parties enter into a parenting agreement which is inconsistent with the terms of the DVPO, the Parenting Agreement is not effective until approved by the court. If the mediation session concludes in a Parenting Agreement, the mediator will attach a copy of the DVPO to the Parenting Agreement prior to submission to the judge for review and appropriate disposition.

- (2) Request for Expedited Mediation: Once both parties have completed the online orientation process a written request for expedited mediation, signed by both parties, or their attorneys, will waive the notice period required for scheduling the actual mediation session. Once this form is completed and a copy sent to the mediation office, the attorneys or parties may contact the mediator to schedule an expedited mediation session subject to mediator availability.
- (B) At the discretion of the presiding judge, a case may be ordered to mediation from the bench.
- (C) Mediation Follow-Up: At the call of the domestic court calendar for each domestic term, the presiding judge shall confirm that the mediation procedure

has been completed. In the event the mediation process has not been followed or completed the court will either order the matter to mediation, or, where appropriate, waive the mediation and set the case for trial.

14.1.5 Waiver of Mediation – On its own motion, or that of either party, the court may waive mediation of a contested custody or visitation matter for good cause. Good cause includes, but is not limited to, a showing of undue hardship to a party, an agreement between the parties for voluntary mediation, allegations of abuse or neglect of a minor child, of alcohol or drug abuse, of domestic violence, or of severe psychological, psychiatric, or emotional problems. No mediation will be conducted until the motion to waive mediation has been heard by the presiding judge. REQUESTS FOR WAIVERS OF MEDIATION WILL BE MADE TO AND APPROVED BY THE COURT. Counsel or parties desiring a waiver shall complete, file, and serve on the opposing party a Motion and Order to Waive Custody Mediation (AOC-CV-632, 2 pages). If the Mediation Orientation process has already been initiated, the attorneys shall notify the mediation office of any change in the status of a pending case, including a signed consent order, voluntary dismissal, or waiver.

14.1.6 The Mediation Process - The Mediator shall assist the parties in focusing on the needs of their children, the need to reorganize the family and use their strengths, and the need to maintain continuity of relationships and stability in the child's life. The mediator will help the parties to explore the options available to them that will best accomplish these goals. The ultimate goal of the mediation process is to have the parties enter into a Parenting Agreement.

(A) Prior to mediation, an orientation process is completed where the goals and procedures of the mediation process are explained to the parties via video, and

the parties submit an intake form to the Mediator. The video portion of the orientation process will be available online, and the intake form shall be provided by the Mediator once the online video has been viewed. If a party does not complete the orientation process, an Order for Custody Mediation Orientation may be entered by either party or their counsel. If the party still does not complete the requirements, the Custody Mediator shall file an Activity Summary informing the court of the status of the case and the party will be subject to the contempt powers of the court. An Appointment Notice will be issued by the Mediator upon completion of the orientation process by all parties to the case. Parties are required to complete the orientation process, and at least one mediation session before withdrawing from the process. Failure to complete either component will subject the party to the contempt powers of the court.

- (B) As a result of mediation, the parties may enter into a full Parenting Agreement, a partial Parenting Agreement, or no agreement. The full Parenting Agreement resolves all issues surrounding custody and visitation that have been addressed. The partial Parenting Agreement will state those issues that have been resolved and those that still remain open to litigation. The attorneys shall calendar the unresolved issues for court.
- (C) The mediator will draft the Parenting Agreement (full or partial) and email, or mail via USPS a copy to each attorney and to each parent. These agreements are non-binding until 1.4D has been completed.
- (D) Once a Parenting Agreement has been forwarded to the attorneys, there will be 30 working days for parties and counsel to review the document. During that

time attorneys may either prepare a Consent Order incorporating the provisions of the Parenting Agreement and present it to the court or provide the Custody Mediator with signatures on the drafted Parenting Agreement which will be filed by the mediator with the Clerk of Superior Court. If the Agreement does not result in a Consent Order, the mediation office shall be notified of this fact, and counsel will calendar the case for court as in all other domestic cases. In either outcome, the process is not complete until the mediation office has been notified in writing as to the outcome.

- (E) When custody mediation does not result in a Parenting Agreement, the mediator will provide notice of that fact to the attorneys of record and to unrepresented parties. The mediator will send notice to the Clerk that this case is unresolved, and consequently closed in the mediation office. The attorneys, or the moving party will then be responsible for calendaring the case for court.
- (F) When both parties are not represented, the parties may submit their notarized signatures via USPS mail. The mediator will submit their signed agreement with the Order Approving Parenting Agreement (AOC-CV-631) to a Judge for approval/signature.
- (G) All oral or written communications and information derived from either or both the parties to the mediator or between the parties in the presence of the mediator are absolutely privileged and inadmissible in court except as related to child abuse or neglect. Neither the mediator nor anyone else involved in these Rules shall be called to testify to communications made during the mediation process.

- (H) Communications among the participants (including communications to the Mediator) regarding scheduling issues and/or proposed modifications subsequent to the private mediation session will be shared with all parties and attorneys as the mediator deems necessary and appropriate.
- (I) Attorneys generally are not present at the mediation session. A copy of any Parenting Agreement will be sent to each attorney for review.
- (J) A Parenting Agreement may be amended or modified by filing a motion to modify, returning to mediation, and signing the mediated changes. If parties cannot agree in mediation regarding a proposed modification, or if both parties cannot agree to return to mediation, a proper motion to be heard must be filed by one or both parties. There is no time constraint on when parties may initiate a return to Mediation, and either party or parties may initiate the return.
- (K) Motions for contempt involving custody or visitation shall not be mediated unless stipulated by the parties.
- (L) Parties permitted to be present at mediation are only those named in the suit. The participation of others will only be with the consent of those involved and at the discretion of the mediator. All participants in mediation are bound by the confidentiality requirement.
- (M) The mediator in her/his discretion may terminate the mediation if the mediator receives information during the course of the mediation that shows that continuing mediation would be inappropriate for reasons of safety, welfare, psychological dynamics, or the appropriateness of the case for participation in the Mediation Program. The mediator will notify the attorneys when this occurs.

14.1.7 Limitations – Mediation within this program is limited to issues of child custody and visitation. Additionally, some circumstances may render a case inappropriate for participation in the Child Custody & Visitation Mediation Program include, but are not limited to:

- A. Cases with a Motion to Waive mediation cannot be scheduled until the motion is heard or withdrawn.
- B. Cases with an active Motion to Dismiss cannot be scheduled until the motion is heard or withdrawn.
- C. Cases with DSS/CPS involvement are not eligible for mediation until all investigations are complete.
- D. Cases involving non-parents must be granted legal standing by a judge before mediation can be scheduled.
- E. Any case with a DVO violation.
- F. Any case with a DVO that says, “no contact” if communication regarding the children, or Custody Mediation is not directly addressed in the DVO.
- G. Any case with an ex parte DVO that has not yet had a permanent hearing.
- H. Any case where parties assert that other the party/parties cannot be served.
- I. Cases where a parent has previously been declared unfit or given only supervised visitation by the court.
- J. Cases where paternity is being challenged or was never established cannot be mediated until paternity is established.
- K. Cases where the child has been living out of state for more than 6 months and jurisdiction has not been addressed by the court.

- L. Cases with serious allegations of abuse/neglect (If known in advance these cases shouldn't be referred to mediation. If disclosed during mediation the mediator will close the case as an impasse.)
- M. Cases where a parent is a registered sex offender.

14.1.8 No Interference with private mediation - Nothing herein shall be construed to prevent any parties and their counsel from participating in private mediation, and participation in that program shall in all respects satisfy the mediation requirements of this rule.

14.2 Equitable Distribution and Alimony- In all equitable distribution and alimony cases, policy prefers that the parties shall make a good faith attempt at family financial mediation. There is no public option in the 33rd District. But there are local attorneys who provide such mediation on a private basis.

14.3 Alternative Dispute Resolution (ADR) Policy (Equitable Distribution/Alimony/Family Financial Issues). The District Court Judges recognize the alternatives to litigation often provide better means of resolving disputes and support a program of appropriate dispute resolution in all cases involving child custody, child support, alimony, post separation support and equitable distribution that are filed in Judicial District 33. Accordingly, these rules implement a menu of ADR techniques available for use in child custody, child support, alimony, post separation support and equitable distribution proceedings, with the goal of expediting resolution and reducing costs to litigants. These rules do not apply to any domestic violence actions filed under chapter NCGS 50B. In addition, the requirement for mediation in the

above referenced actions may be waived if there is a finding that domestic violence has occurred between the parties.

14.4 Description of ADR Methods Adopted by these Rules:

- (a) **Mediated Settlement Conference.** An independent mediator selected by the attorneys or the court, whose services shall be paid for by the parties, assists the parties in reaching their own settlement agreement. It is mandatory to complete mediation for all matters involving final child support, child custody, equitable distribution, and alimony prior to a final hearing on these matters. Mediation is encouraged and may be required by the court for temporary matters such as temporary custody, temporary child support, post separation support and interim allocation. Nothing in these Rules shall prevent the Court from hearing cases for any emergency relief, including but not limited to, temporary child custody, temporary child support, post separation support or interim allocation on the basis that ADR has not been completed. A free to the public mediation program that addresses child custody matters only is provided by this district.
- (b) **Fast Track mediation.** At any time, the parties may enter into a consent order referring a case to mediation and selecting a mediator as otherwise described in these rules.
- (c) **Arbitration.** An arbitrator makes a decision following a presentation by each party.
- (d) **Other.** Any other court-approved ADR procedure upon which the parties may agree.

14.5 General Rules Applicable to All ADR Proceedings.

- (a) **Time for Proceeding.** For Equitable Distribution proceedings, the order for ADR shall state that the ADR procedure shall be completed within sixty (60) days after the due date for the respondents Equitable Distribution Inventory Affidavit. However, for good cause shown, the Presiding Judge may allow an extension of time. The Mediator or Arbitrator shall file with the Clerk of Court a notice of the outcome of the proceeding within ten (10) business days of the conclusion of the ADR procedure. (Mediators shall file form AOC-CV-827.)
- (b) **Place of Proceeding.** Unless all parties and the Mediator/Arbitrator otherwise agree, the ADR proceeding shall be held in the county where the action is pending. If the parties cannot agree on the exact location, it shall take place where the Mediator/Arbitrator designates. Examples of appropriate places: local attorney's office or Mediator's office. The Mediator/Arbitrator shall give timely notice to all attorneys and unrepresented parties, in writing, of the date, time and location of the proceeding.
- (c) **Pre-Proceeding Submission.** Pre-proceeding submission shall be governed by the specific rule for the particular ADR proceeding or as requested by the assigned neutral conducting the ADR.
- (d) **Pending ADR completion.** The scheduling of an ADR proceeding called for in this Rule shall not be cause for the delay of completion, exchange or filing of, by way of example: Equitable Distribution Inventory Affidavits, Financial Standing Affidavits, and/or issuance of discovery and responses to same.
- (e) **Inadmissibility of Negotiations.** All conduct or communications made during an ADR proceeding are presumed to be made in compromise negotiations and shall

be governed by Rule 408 of the North Carolina Rules of Evidence and NCGS 7A-38.1(l).

- (f) **No Record Made.** There shall be no record made (including audio recordings) any ADR proceedings under these Rules, unless the parties have agreed to binding arbitration, in which case any party may request that a record be made.
- (g) **Ex Parte Communication Prohibited.** There shall be no ex parte communication outside the ADR proceeding between the Mediator/Arbitrator and any counsel or party on any matter substantive to the proceeding, except with regard to scheduling matters or requesting a copy of the pleadings for the Mediator/Arbitrator to have in preparation of the ADR proceeding. Nothing in this Rule prevents the Mediator/Arbitrator from engaging in ex parte communications, with consent of the parties, for the purposes of assisting settlement negotiations.
- (h) **Attendance.** At all ADR proceedings, clients and their respective attorneys shall attend and remain for the duration of the proceeding.
- (i) **Cancellation/Rescheduling:** With the exception of a matter that has been resolved or is being resolved through a Consent Order, parties or their attorneys shall not request a cancellation of or rescheduling of any ADR proceeding on behalf of themselves or their clients without first contacting opposing counsel to determine their objection to or agreement to same. All requests shall be made timely and in good faith. Attorneys or parties shall never request a cancellation or rescheduling in bad faith or in any attempt to unreasonably delay future proceedings or to gain a financial, custodial, or other advantage for their client. If there is a pending trial date in the matter, any counsel that objects to the ADR

being canceled/rescheduled may request that the trial judge go forward with the hearing without requiring the parties to first complete ADR. Should the trial judge find that the cancellation, request to reschedule or failure of any party or attorney to attend the ADR proceeding was in bad faith or prejudices one or both clients, the trial judge may waive the requirement of ADR and proceed with the matter on the scheduled hearing date.

- (j) Right to Trial. ADR proceedings under these Rules shall not impair the right of the litigants to demand trial.
- (k) Immunity of the Neutral. Mediators and other neutrals acting pursuant to this section shall have judicial immunity in the same manner and to the same extent as a judge of the General Court of Justice, except that mediators and other neutrals may be disciplined in accordance with enforcement procedures adopted by the Supreme Court pursuant to G.S. 7A-38.2.

14.6 Duty of Counsel to Consult with Clients and Opposing Counsel Concerning Use of an ADR Procedure and filing of motions concerning same.

- (a) Upon being retained to represent any party in a child custody, child support, alimony or equitable distribution matter, counsel shall advise his or her client regarding the ADR procedures approved by these Rules.
- (b) At or prior to any Equitable Distribution Scheduling Conference, counsel shall consult with one another about the use of ADR and shall attempt to reach an agreement on the use of an ADR procedure. The Motion for an Order to use Settlement Procedure other than Mediated Settlement Conference or Judicial

Settlement Conference in Family Financial Case (AOC-CV-826¹) shall be filed at or before the Equitable Distribution Scheduling Conference and shall state:

- i. the ADR procedure chosen by the parties;
- ii. the name, address and telephone number of the neutral person selected by the parties;
- iii. the rate of compensation of the neutral person; and
- iv. that all parties consent to the motion.

14.7 Qualifications for and Selection of Mediator/Arbitrator.

14.7.1 Qualifications of Mediator/Arbitrators on Approved List. Mediators/Arbitrators

appointed by the court without the agreement of the parties shall be certified pursuant to the Administrative Office of the Court's Rules for Settlement Procedures in District Court Family Financial Cases. Those certified Mediators/Arbitrators who are willing to mediate or arbitrate actions within this Judicial District shall submit proof of their certification and their contact information to the Chief District Court Judge for placement upon the list of available Mediators/Arbitrators. Mediators/Arbitrators who have applied for service under these Rules shall hear indigent cases in accordance with The Administrative Office of the Courts Rules for Mediators.

14.7.2 Independent Selection For selection of a Certified Mediator, the parties shall complete a Designation of Mediator in Family Financial Case (AOC-CV-825) and shall file same before or bring same to the Scheduling and Discovery Conference. If there is an agreement by the parties or their attorneys, any individual may be selected to serve as a Mediator/Arbitrator whether or not such individual meets the certification

requirements set forth in these Rules. These parties/attorneys shall prepare and file a consent order regarding same.

14.7.3 Appointment of Certified Family Financial Mediator by the Court. If the parties cannot agree upon the selection of a mediator, they shall so notify the Court at or before the Scheduling and Discovery Conference and the Court shall appoint a mediator either before or in the Scheduling and Discovery Order. The Court shall include the name, address and telephone number of the Mediator appointed by the Court.

14.7.4 Compensation of the Mediator/Arbitrator.

- (a) By Agreement. When the parties stipulate to the selection of a particular Mediator/Arbitrator, compensation shall be agreed to among the parties and the Mediator/Arbitrator.
- (b) By the Court. When the Mediator/Arbitrator is appointed by the Court, the Mediator/Arbitrator shall be compensated by the parties at the same hourly rate as that set mandatory Mediated Settlement Conferences under the Rules Governing Mediated Settlement Conference in Superior Court Civil Actions pursuant to NCGS 7A-38.1 for all time expended by the Mediator/Arbitrator in connection with the ADR procedure, plus reasonable out-of-pocket expenditures.
- (c) Payment of Compensation by Parties. A Mediator/Arbitrator's compensation shall be paid in an amount agreed to by the parties and the neutral. Time spent reviewing materials in preparation for the neutral evaluation, conducting the proceeding, and making and reporting the award shall be compensable time. Unless otherwise agreed to by the parties, costs of the ADR proceedings shall be paid in equal shares by the parties. Multiple parties shall be considered one

party when they are represented by the same counsel. Payment shall be made directly to the Mediator/Arbitrator upon completion of the ADR proceeding.

- (d) **Inability to Pay.** Any party required to pay a share of a mediator fee may move the Court for a determination of that party's ability to pay. This motion shall be submitted on AOC-CV-828. Such a motion shall be heard no later than ten (10) days before the hearing or conference. If a party is found to be unable to pay, the Mediator/Arbitrator's fee shall be reduced by the indigent's proportionate share rather than requiring the other parties to make up the difference.

14.7.5 **Report to the Court.** The mediator shall submit a report to the Court concerning nonpayment of mediator's fees. The Court may order payment of such fees by the delinquent party. Failure to comply with said order may be punishable as for contempt in the Court's discretion.

14.7.6 **Sanctions for Failure to Attend.** If a self-represented person and/or attorney or party fails to attend or unilaterally cancels a duly ordered ADR procedure without good cause, the Presiding Judge may impose upon the party any lawful sanction including but not limited to reimbursing the opposing party for any fees paid on the nonpaying parties' behalf.

14.7.7 **Rules for Mediated Settlement Conferences.** Mediated settlement conferences pursuant to these local rules shall be governed by The Administrative Office of the Court's Rules for Settlement Procedures in District Court Family Financial Cases and N.C.G.S. 7A-38.4.

14.8 **Arbitration-** It is the policy of District 33 that all cases eligible for Arbitration will be assigned to and scheduled for such arbitration. The Arbitration coordinator is Ms. Paula Teague. She may be reached at (336) 242-6856 and Arbitration22@nccourts.org. The

Arbitration Program in the Thirty-third Judicial District shall be conducted in accordance with the North Carolina Rules for Arbitration published by the North Carolina Supreme Court in Volume 325 of the North Carolina Reports at page 734. To the extent the state rules do not provide guidance in particular situations, the following local rules shall apply:

- 14.8.1 Rules for Arbitration. Arbitrations pursuant to these local rules shall be governed by The Administrative Office of the Court's Rules for Settlement Procedures in District Court Family Financial Cases and N.C.G.S. Article 45C and Article 3 50-41 et. seq.
- 14.8.2 Agreement for Binding Arbitration. The parties may agree in writing, at any time prior to the arbitrator's award, to elect that the arbitration be binding on the parties. The written agreement shall be executed by the parties and their counsel and shall be filed with the clerk of court prior to the issuance of the arbitration award.
- 14.8.3 Issuance of Award. At the conclusion of a binding Arbitration hearing, the Arbitrator shall issue an award in accordance with the provisions of Rule 12D of the North Carolina Rules for Statewide Mediated Settlement Conferences.
- 14.8.4 Termination of Binding Arbitration Action by Agreement before Judgment. The parties may file a stipulation of dismissal or consent judgment at any time before entry of judgment on the Arbitrator's award. Attorneys and/or parties must make sure the file stamped copy is provided to, and acknowledged by, the arbitration coordinator prior to the hearing.
- 14.8.5 Entry of Judgment on the Arbitrator's Award. If the case is not terminated by agreement of the parties, within ten (10) business days of the issuance of the Arbitrator's award, the Arbitrator shall file the award with the Clerk, and it shall be incorporated within a judgment of the court. The Judgment shall be entered in

accordance with and be subject to all applicable provisions of law and shall have the same force and effect as judgment of the court in any civil action.

Arbitration Assessment Fee: G.S.7A-37.1(C1) provides, "In all cases referred to nonbinding Arbitration, a fee of one hundred dollars (\$100.00) shall be assessed per arbitration, to be divided equally among the parties. This fee must be paid promptly upon completion of the Arbitration Hearing, or in advance of the hearing in the amount assessed by the arbitrator. If any party does not pay, the amount assessed will be docketed as a judgment in favor of the State when the final award is filed.

14.8.6 Scheduling Arbitration Cases: Rule 8(b) of the Rules for Court Ordered Arbitration requires that all arbitration cases must be held within sixty (60) days of filing of last responsive pleading. A tentative hearing date will be listed on the enclosed Stipulation and Order form but is subject to change (AOC-CV-912M). The Court maintains and will appoint an arbitrator from the Court's list of qualified arbitrators who are experienced trial attorneys; in accordance with Rule 4 of the Rules for Court-Ordered Arbitration in North Carolina within 20 days from the mailing date of the Notice of Case Selection form (AOC-CV-800). A Notice of Arbitration Hearing form (AOC-CV-801) will be mailed to the parties showing the set date, time, and location of your hearing.

14.8.7 Settlements: It is the duty of the attorney(s) and/or parties to furnish to the Arbitration Coordinator a copy of any document (such as voluntary dismissal, default judgment or consent judgment) which settles a case. The court file must be in a closed status before hearings will be removed from the docket. If the case is settled / closed prior to the hearing date, but proper documentation has not been filed with the Clerk's Office, then the parties must still appear for the arbitration hearing, relaying to the Arbitrator or the Arbitration Coordinator the manner of settlement. Once a Notice of Arbitration Hearing

Form (AOC-CV-801) has been issued with a Hearing date and time, default judgments will not be processed by the Clerk of Courts Office, and the case will remain set for the hearing date assigned by the Arbitration Coordinator.

14.8.8 Continuances: Arbitration hearings will not be continued except for good cause. The Arbitration Coordinator must approve all requests for continuance of an arbitration case before the 60 day hearing date period. The Chief District Court Judge must approve all requests for continuance beyond the 60 day hearing date with ALL parties agreeing to the continuance. When a hearing is continued the Arbitration Coordinator will notify the arbitrator. Attorneys and arbitrators cannot continue hearings. Arbitration Rule 3(a)(2) states that “pendency of a motion shall not be cause for delaying an arbitration hearing”. Please file all motions with the Civil Case Action Cover Sheet, contemporaneously with the filing of an Answer if you want your motion to be heard prior to the arbitration hearing being held.

14.8.9 Direct Contact With Arbitrator Prohibited: Pursuant to Rule 3(l) of the North Carolina Rules for Arbitration, neither attorneys nor parties shall contact the arbitrator about the case, or any matter connected with the case prior to the hearings.

14.8.10 Prehearing Exchange of Information: Arbitration Rule 3(b) prescribes that at least 10 days before the arbitration hearing date, the parties shall exchange:

- 1) list of witnesses they expect to testify.
- 2) copies of any documents or exhibits they expect to offer into evidence and
- 3) a brief statement of the issues and their contentions.

14.8.11 Pre-Hearing Information Form will be enclosed with the Notice of Case Selection for Arbitration Form, and the parties are responsible for mailing a copy of the form to the opposing party to be received NOT LESS than 10 days before the Hearing

date. The failure of a party to provide the above-mentioned materials is not cause for continuance of the case.

14.8.12 Request for Trial De Novo Filing Fee: Any party dissatisfied with the outcome of the hearing can reject the award and have a trial de novo. The trial de novo must be filed with the Court within thirty (30) days after the service of the arbitrator's award. The filing fee for a request for trial de novo in District Court is one hundred dollars (\$100.00) pursuant to Rule 5(b) of the North Carolina Rules For Arbitration. When there is more than one plaintiff or defendant, only one filing fee shall be charged for the group of plaintiffs or the group of defendants. The one hundred-dollar (\$100.00) assessment fee does NOT offset the Trial De Novo fee.

Rule 15: Parenting Coordinators (PC) pursuant to NCGS 50-90 et seq.

15.1 When and How an Appointment of a PC May be Made. The court may appoint or reappoint a parenting coordinator at any time in a child custody action involving a minor child on or after the entry of a custody order, other than an ex parte order, or upon entry of a contempt order involving a custody issue pursuant to any of the following:

- i. All parties consent to the appointment and the scope of the parenting coordinator's authority;
- ii. Upon motion of a party requesting the appointment of a parenting coordinator;
- iii. Upon the court's own motion
- iv. The court does not have to find a substantial change of circumstance has occurred to appoint a parenting coordinator.

15.2 If the parties have not consented to the appointment of a parenting coordinator, the court shall make specific findings that:

- i. the action is a high-conflict case as defined by G.S. 50-90 meaning the parties demonstrate an ongoing pattern of any of the following: excessive litigation, anger and distrust, verbal abuse, physical aggression or threats of physical aggression, difficulty communicating about and cooperating in the care of the minor children, or conditions that in the discretion of the court warrant the appointment of a parenting coordinator.
- ii. It is in the best interest of the child(ren) to appoint a Parenting Coordinator, and
- iii. The parties are able to pay for the cost of a Parenting Coordinator.

15.1 Selection of Parenting Coordinator. The parenting coordinator shall be selected from a list maintained by the district court. Prior to the appointment, the court, the parties' attorneys, or the parties shall contact the parenting coordinator to determine the parenting coordinator's willingness and/or availability to be appointed to the matter and to determine if there are any conflicts.

15.2 Qualifications of Parenting Coordinators. To be eligible to be included on the district court's list of parenting coordinators must certify that they have the following qualifications:

- i. Master's or doctorate degree in psychology, law, social work, or counseling;
- ii. Have at least five years of related professional post-degree experience;
- iii. Hold a current license in the parenting coordinator's area of practice, if applicable;
- iv. Have participated in at least 24 hours of training in topics related to the developmental stages of children, the dynamics of high-conflict families, the

stages and effects of divorce, problem solving techniques, mediation, and legal issues.

15.4 Upon request, the PC shall provide documentation to the attorneys and/or parents detailing the extent of the Parenting Coordinator's qualifications, including relevant education and experience.

15.5 Appointment Conference. Within fourteen (14) days after or contemporaneously with the appointing a Parenting Coordinator, if the PC so requests, the Court shall conduct an Appointment Conference at which the parties, their attorneys and the proposed Parenting Coordinators will appear. At the conference set by the Court, the Court will:

- i. Explain to the parties the parenting coordinator's role, authority, and responsibilities as specified in the appointment order and any agreement entered into by the parties.
- ii. Determine who will provide what information to the Parenting Coordinator;
- iii. Determine financial arrangements for the parenting coordinator's fee to be paid by each party and authorize the parenting coordinator to charge any party separately for individual contacts made necessary by that party's behavior.
- iv. inform the parents of the rules regarding communication among themselves and with the Parenting Coordinator and the Court;
- v. Enter the appointment order if the order has not yet been entered.

15.5.1 Attendance - The parties, their attorneys, and the proposed parenting coordinator must all attend an appointment conference upon the entry of the order appointing the

PC. At the appointment conference, the parties will sign all necessary releases, contracts, and consent forms deemed appropriate by the Parenting Coordinator. The Parenting Coordinator will also schedule the first appointment with the parties. Counsel for the respective parties and/or the self-represented party shall, within five (5) days from the date of entry of the Order for Parenting Coordinator, contact the Parenting Coordinator and provide their contact information, i.e., mailing address, telephone number and email address.

15.6 When Appointment Conference Not Required. No appointment conference is required if the parenting coordinator's term is being extended, a subsequent parenting coordinator is being appointed in the same matter, the parties, their attorneys, and the proposed parenting coordinator consent to a waiver of the appointment conference by signing the proposed appointment order.

15.7 The Parenting Coordinator Appointment Order. The order appointing a parenting coordinator shall specify:

- i. the length and terms of the appointment
- ii. the parenting coordinator's authority
- iii. the name of the Parenting Coordinator, as well as his/her contact information, i.e., mailing address, telephone number and email address.

15.8 Appointments with the Parenting Coordinator. The Parenting Coordinator shall set up initial appointments with each party for a brief informational meeting. Future appointments with the Parenting Coordinator may be scheduled at the request of the Parenting Coordinator or either party by telephone or in person. Each party shall make a good faith effort to be available for appointments when requested by the other party or the Parenting Coordinator. The parenting coordinator, in the coordinator's

discretion, may meet or communicate with the minor children and the parties shall cooperate in making the minor children available to the Parenting Coordinator for such requested meetings. The Parenting Coordinator shall notify the Court, with copies to the parties and/or their attorneys, if either party refuses to cooperate with requested meetings with the Parenting Coordinator.

15.9 Meetings and communications. Meetings and communications between the parenting coordinator and the parties, the attorneys for the parties, or any other person with information that assists the parenting coordinator in the coordinator's duties may be informal and ex parte. Communications between the parties and the parenting coordinator are not confidential. The parenting coordinator and the court shall not engage in any ex parte communications. Upon request of the parenting coordinator, the parties shall timely execute any releases necessary to facilitate communication with any person having information that assists the parenting coordinator in the coordinator's duties. No communications with the Parenting Coordinator are confidential or privileged. However, the Parenting Coordinator shall not disclose any information about the child(ren) or the parents except to the extent necessary to fulfill the duties and responsibilities imposed by the appointment order, Parenting Coordinators are authorized to consult with professionals, family members and others who have information about the parents or child(ren), such as therapists, custody evaluators, school teachers, etc. and may consider that information in making a decision, as allowed by law. The Parenting Coordinator is authorized to interview the child(ren) privately in order to ascertain the child(ren)'s needs as to the issues being decided.

15.10 General Responsibilities of Parenting Coordinator: The general responsibilities of the PC are as follows:

- (a) to assist parents in implementing custody/visitation Court Orders on a continuing basis, and resolving issues surrounding same upon which the parents cannot agree;
- (b) to reduce conflict between parents;
- (c) to teach parents communication skills, children's issues, and basic child development;
- (d) to ensure that both parents maintain continuing relationships with the child(ren);
- (e) to provide attorneys and unrepresented parties with written decisions in the case;
- (f) to act as a decision maker in the implementation of the parent plan on any minor issues that may or may not be specifically governed by Court order over which the parents reach an impasse,
- (g) to empower parents to successfully resolve conflicts over their child(ren) on their own.

15.11 Authority of Parenting Coordinator. The authority of a parenting coordinator shall be specified in the court order appointing the parenting coordinator and shall be limited to matters that will aid the parties in complying with the court's custody order, resolving disputes regarding issues that were not specifically addressed in the custody order, and/or clarifying ambiguous or conflicting terms in the custody order. Notwithstanding the appointment of a parenting coordinator, the court shall retain exclusive jurisdiction to determine fundamental issues of custody, visitation, and support, and the authority to exercise management and control of the case. The

parenting coordinator's scope of authority may include, but is not limited to, any of the following areas:

- (a) Transition time, pickup, or delivery.
- (b) Sharing of vacations and holidays.
- (c) Method of pickup and delivery.
- (d) Transportation to and from visitation.
- (e) Participation in child or day care and babysitting.
- (f) Bedtime.
- (g) Diet.
- (h) Clothing.
- (i) Recreation.
- (j) Before- and after-school activities.
- (k) Extracurricular activities.
- (l) Discipline.
- (m) Health care management.
- (n) Alterations in schedule that do not substantially interfere with the basic time-share agreement.
- (o) Participation in visitation, including significant others or relatives.
- (p) Telephone contact.
- (q) Alterations to appearance, including tattoos or piercings.
- (r) The child's passport.
- (s) Education.
- (t) Other areas of specific authority as designated by the court or the parties.

15.12 The Parenting Coordinator's Decisions. The Parenting Coordinator shall decide any issue within the scope of the parenting coordinator's authority, and the decision shall be enforceable as an order of the court. The decision shall be in writing and provided to the parties and their attorneys if the attorney remains attorney of record after the entry of the Order. So long as the custody order under which the decision is made is in effect, the decision shall remain binding after the expiration of the parenting coordinator's term unless the parenting coordinator or a subsequent parenting coordinator modifies the decision or the court reviews and modifies the decision.

15.13 Failure of a Party to Comply with Parenting Coordinator's Decision. If a party fails to comply with the Parenting Coordinator's decision the offending party is subject to a contempt motion initiated by the Parenting Coordinator or the other party on an expedited basis.

15.14 Review of Parenting Coordinator's Decision. Any party or attorney for the party may file a motion for the court to review a parenting coordinator's decision. The parties shall comply with the parenting coordinator's decision unless the court, after a review hearing, determines that:

- (a) the parenting coordinator's decision is not in the child's best interests or
- (b) the decision exceeded the scope of the parenting coordinator's authority.

15.14.1 Responsibility of Moving Party - The moving party or the attorney for the moving party shall cause a subpoena to be issued for the parenting coordinator's attendance at the review hearing. At the conclusion of the review hearing, the court shall determine how the parenting coordinator's fees, as related to the review hearing,

shall be apportioned between the parties. The court may review and modify a parenting coordinator's decision after the expiration of a parenting coordinator's term.

15.15 Providing other Services. The parenting coordinator shall not provide any professional services or counseling to any party or any of the minor children.

15.16 Financial Issues. The parenting coordinator shall refer financial issues related to the parenting coordinator's decisions to the parties or their attorneys.

15.17 Payment of Fees for Parenting Coordinator Services. The Parenting Coordinator is entitled to reasonable compensation for services rendered and to a reasonable retainer. It shall be presumed that, in most situations, it is appropriate for each party to pay an equal share of the Parenting Coordinator's fee. In extraordinary situations, one party may be ordered to pay a larger percentage of the fee and such percentages shall be delineated in the appointment order along with the reasons for the allocations. However, in all cases the Parenting Coordinator has the discretion to charge either party separately for individual contacts with that party, or joint contacts made necessary by that party's behavior, or wasted time occasioned by a party's failure to cooperate. Either party or the Parenting Coordinator may request a hearing in the event of a fee dispute. The district court retains jurisdiction to resolve disputes regarding the parenting coordinator's fees after the conclusion of the parenting coordinator's term so long as the parenting coordinator's fee report was filed in a timely manner.

15.18 Failure to Pay Fees of the Parenting Coordinator. If a party fails to comply with the requirements of the court order regarding payment of the PC's fees or the party's and the PC's contractual arrangement regarding fees, the offending party is subject to a

motion being filed by the Parenting Coordinator in order to require the offending party to attend a hearing to enforce the court order or the contract.

15.19 Report of the Parenting Coordinator to the Court.

- (a) The Parenting Coordinator may file a report with the court regarding any of the following:
- i. The parenting coordinator's belief that the existing custody order is not in the best interests of the child.
 - ii. The parenting coordinator's determination that the parenting coordinator is not qualified to address or resolve certain issues in the case.
 - iii. A party's noncompliance with a decision of the parenting coordinator or the terms of the custody order.
 - iv. The parenting coordinator's fees as set forth in G.S. 50-95.
 - v. The parenting coordinator's request that the parenting coordinator's appointment be modified or terminated.
- (b) Upon the filing of a verified report by the parenting coordinator alleging that a party is not complying with a decision of the parenting coordinator, not complying with the terms of the custody order, or not paying the parenting coordinator's fees, the court may issue an order directing a party to appear at a specified reasonable time and show cause why the party shall not be held in contempt. Nothing in this section prevents a party from filing the party's own motion regarding noncompliance with a parenting coordinator's decision or noncompliance with the terms of the custody order. An expedited hearing shall be granted and shall occur within (4) four weeks of the filing of the report unless

the parenting coordinator requests a longer length of time, or the court has already issued an order directing a party to show cause why the party shall not be held in contempt. The court, after a hearing on the parenting coordinator's report, shall be authorized to issue temporary custody orders as may be required for a child's best interests.

15.20 Parenting Coordinator Records. At the parenting coordinator's discretion, the parenting coordinator may release any records held by the parenting coordinator to the parties or the attorneys for the parties. Any party may apply to the judge presiding for the issuance of a subpoena to compel production of the parenting coordinator's records. Any party applying for a subpoena shall provide reasonable notice to the parenting coordinator and the parties so that any objection to the release of information or the manner of the release of information may be considered prior to the issuance of a subpoena.

15.21 Modification or Termination of Parenting Coordinator Appointment. The Court may terminate or modify the Parenting Coordinator appointment for good cause upon motion of either party or the Parenting Coordinator, or upon the agreement of the parties and the Parenting Coordinator. Good cause shall include but not be limited to the following reasons:

- (a) lack of reasonable progress over a significant period of time despite the best efforts of the parties and the Parenting Coordinator;
- (b) a determination that the parties no longer need the assistance of a Parenting Coordinator;
- (c) an impairment on the part of one party which significantly interferes with participation in the process established by the Parenting Coordinator;

(d) the Parenting Coordinator is unable or unwilling to continue to serve.

15.22 Parenting Coordinator Immunity. A parenting coordinator shall not be liable for damages for acts or omissions of ordinary negligence arising out of that person's duties and responsibilities as a parenting coordinator. This section does not apply to actions arising out of the operation of a motor vehicle.

Rule 16. Appointment of Guardian Ad Litem (GAL) in Child Custody Cases.

16.1 Authority to Appoint. A GAL is a court appointed advisor with specialized training and a set of knowledge, who may be appointed by the Court to represent the child's best interest pursuant to: NCGS §1A-1, Rule 17(b)(3) of the North Carolina Rules of Civil Procedure; NCGS §8C-1, Rule 701 of the North Carolina Rules of Evidence; and the Court's inherent authority to administer justice.

16.2 Process for Appointment. Prior to the entry of the appointment order, the GAL shall be contacted for an assessment of availability, willingness to accept the appointment and opportunity to run a conflict check. Attorneys, self-represented parties, or the Court should make every effort to secure the agreement and availability of the GAL prior to entry of the appointment order. Upon entry of the appointment order, the GAL shall be provided:

- (a) a copy of the appointment order;
- (b) contact information for parties and their attorneys;
- (c) copies of any pleadings;
- (d) a list of specific issues for investigation; and

(e) notification of any travel that may be necessary for a full investigation.

16.2.1 The Court may appoint a GAL without the consent of the parties or upon its own motion. If the Court determines that a GAL should be appointed, the Court shall prepare an Order of Appointment or may direct counsel for the parties to do so.

16.3 Appointment Order. The appointment order shall recite the fees charged by the GAL, the time frame for which the party(s) shall pay the fees, the contact information for the GAL and a timeframe for the parties to contact the GAL with their contact information. The Court shall make the appointment of a GAL contingent upon the parties' payment for services provided by the GAL, which may be allocated between the parties in proportion to the parties' respective income, shared equally, or any other proportion the Court determines to be fair and equitable. **The GAL shall not begin his or her duties, or be required to continue their services, until the fee has been paid by both parties and the appointment order has been entered.** The GAL shall be entitled to reasonable compensation for services rendered and to a reasonable prepayment. Either party or the GAL may request a hearing in the event of a fee dispute.

16.4 Report of GAL. The GAL shall prepare a written report for the Court and shall submit same to the attorneys at a time that is in his or her discretion unless otherwise ordered by the Court. The GAL shall make recommendations to the parties and to the Court regarding any issues affecting the child(ren)'s welfare. This report shall be admissible at hearing or trial without authentication or requiring the presence of the GAL. Such admissibility is not a waiver of the right to object to the report in part or total. At various points in the case, the GAL may make recommendations to parents and their attorneys concerning the child(ren)'s best interests, and he/she may inform the Court of their position and recommendations at trial.

- 16.4.1 The GAL is released from his or her appointment upon presentation of the report to both attorneys and/or self-represented party. The GAL may be retained by written agreement or court order for further GAL services. All efforts should be made so that any written report of recommendation be submitted to the attorneys or self-represented parties (2) two weeks prior to the hearing, if a court date has been calendared.
- 16.5 Testimony of GAL. The Gal may testify at trial or deposition by consent. Absent consent of the GAL, a party may subpoena the GAL to appear and testify. The GAL shall require prepayments from the subpoenaing party as a condition of his/her appearance under subpoena.
- 16.6 Child(ren) as Witnesses. The Court ordinarily discourages parents from requiring the minor child(ren) to testify. If testimony is to be elicited from a minor child(ren) at a court proceeding, the GAL may advocate for using an alternative procedure to in court testimony, such as an in chambers interview that excludes attorneys as well as parents, they may submit questions for the Court to ask the child(ren).
- 16.7 GAL Communications. Communications between the parties and the GAL may be informal and *ex parte*. Said communications are NOT confidential. Communications between the attorneys and GAL may be *ex parte*. There shall be no *ex parte* communications between the GAL and the Court. The GAL may contact or meet with a parent individually without the consent of the parent's attorney. The GAL may report to the parents what he/she believes to be in the child(ren)'s best interest and make suggestions to reduce conflict. A GAL may communicate with one attorney without the express consent of the other attorney. Any communication between the GAL and a court appointed expert appointed must be simultaneously communicated to the

parents' attorney or self-represented parties, including any written information or documents that the child(ren)'s GAL might provide to said expert. The GAL may, in his or her discretion, communicate with any person or professional involved with the child(ren) or the family, including but not limited to school, medical, dental, or psychological providers, or social service information.

Rule 17: Jury Cases

- 17.1 Pretrial Conferences and Orders in Jury Cases. There shall be a pretrial conference and order in every jury case unless counsel and/or self-represented parties stipulate in writing to the contrary and the Court approves the stipulations. Upon its own motion or upon request of any party, the Court may dispense with or limit the scope of the pre-trial conference or order. The pretrial order shall be prepared by the Plaintiff or Plaintiff's counsel and signed by the attorneys or unrepresented parties prior to the trial date. The form shall be in substance as shown in Rule 7 of the General Rules of Practice for District and Superior Courts.
- 17.2 Issues to be determined by a jury in any domestic case shall be scheduled for trial during the next available jury session.

Rule 18: Scheduling of Sessions of Court


- 18.1 The Chief District Court Judge will ordinarily schedule court sessions and assign judges at least one month in advance and shall publish the schedule.
- 18.2 Schedules may be amended and rearranged to suit the needs of the courts.
- 18.3 Jury sessions will ordinarily be scheduled for one term per calendar year in each county. But, more may be scheduled as the needs of the court dictate.

Rule 19: Copies of these Rules

19.1 A copy of these Rules will be kept in the office of the Clerk of Superior Court in each county, in each of the courtrooms used by the District Court, and in the office of the District Court Judges.

SO ORDERED.

This the 1st Day of November 2024.



CARLTON TERRY
CHIEF DISTRICT COURT JUDGE
33RD JUDICIAL DISTRICT



NORTH CAROLINA

DAVIDSON COUNTY

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

Plaintiff,
v.

Defendant.

DISTRICT COURT
CALENDAR REQUEST & NOTICE OF HEARING

NOTE IF CONTINUANCE REQUEST _ (NO FEE)

CIVIL HEARINGS

CHILD CUSTODY MEDIATION

PARTIES MUST COMPLETE CHILD CUSTODY MEDIATION BEFORE CUSTODY HEARING OR CHILD CUSTODY CONTEMPT MATTER CAN BE SET UNLESS EXEMPT BY THE JUDGE:

Have the parties completed mandatory child custody mediation? YES[] NO[]

Date mediation was completed: _____

If mediation not completed:

Date mediation orientation is scheduled: _____

Date mediation is scheduled: _____

Have the parties been exempted from mandatory child custody mediation? YES[] NO[]

DATE REQUESTING: _____

COURTROOM: 10 _____ Special session

ASSIGNED JUDGE: _____

APPROXIMATE TIME NEEDED FOR HEARING: _____

Check each line that applies to the scheduled motion(s):

CUSTODY	[]	TEMPORARY CUSTODY	[]	VISITATION	[]
CHILD SUPPORT	[]	FEES	[]	SUMMARY JUDGMENT	[]
PSS	[]	ALIMONY	[]	DIVORCE	[]
CONTEMPT	[]	OTHER	[]	_____	

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this pleading upon all other parties to this cause in accordance with Rule Five of Civil Procedure by (_____) depositing a copy enclosed in a post office of official depository under the exclusive care and custody of the United States Postal Service. (_____) handing it to the attorney or to the party, leaving it the attorney's office with a partner or employee. (_____) sending it to the attorney's office by a confirmed FAX receipt confirmation, (_____) sending to the attorney's email address of record with the court or to the party's email with the party's consent to receive service via email attached if not already filed with the court, or (_____) having the Sheriff serve the parties.

STATE BAR NUMBER: _____

ATTY'S/PARTY'S NAME: _____

ADDRESS: _____

TELEPHONE NUMBER: _____

EMAIL ADDRESS: _____

PLAINTIFF DEFENDANT

DATE OF SERVICE SIGNATURE

I CERTIFY THAT I HAVE NOT ALREADY SCHEDULED THE ABOVE ON

ANOTHER FUTURE DATE: _____ (signature)

Pursuant to Local Rules: Short hearings shall take thirty minutes or less to be completed, will be set for the first day of a civil session. Pro se cases will also be set for the first day of a civil session.

Pursuant to Local Rules: Long hearings shall be for cases that will take one hour or longer to be heard and must have court approval prior to the filing of this document.

NOTE: If an interpreter is necessary for any civil hearing, please complete the form found at <https://www.nccourts.gov/request-for-spoken-foreign-language-court-interpreter> at least ten days prior to the hearing.

LIST BELOW THE NAME AND ADDRESS OF THOSE SERVED:

NAME: _____

STREET ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE NUMBER: _____

EMAIL ADDRESS: _____

FAX NUMBER: _____

PLAINTIFF: DEFENDANT:

LIST BELOW THE NAME AND ADDRESS OF THOSE SERVED:

NAME: _____

STREET ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE NUMBER: _____

EMAIL ADDRESS: _____

FAX NUMBER: _____

PLAINTIFF: DEFENDANT:

TCC Approval: _____

Equitable Distribution Inventory Affidavit

STATE OF NORTH CAROLINA _____ COUNTY	In The General Court of Justice District Court Division District 33
Plaintiff:	File No.
VERSUS	EQUITABLE DISTRIBUTION INVENTORY AFFIDAVIT
Defendant:	

Purpose:

The Plaintiff and the Defendant were married, and they accumulated some property. Now, someone has asked the Judge to fairly, or equitably, divide this property.

The purpose of this Equitable Distribution Inventory Affidavit is to give the Judge the information needed to equitably divide the property. The Judge will need to know this information because at the trial the Judge must determine the fair market value (value) of each item of property and whether each item of property is Marital or Separate (classification). The Judge must then decide who gets each item of property (distribution).

Therefore, you must carefully list each item of property which either of you owned or had any interest in as of the day of separation, no matter in whose name the property was titled, and no matter who had possession of the property. List everything, and if you believe that the property is not Marital, list that item as "Separate."

Meanings: As used in these schedules, the following abbreviations have the following meanings:

- (1) **DOM** means the "date of marriage of the parties," which the Plaintiff contends to be _____, and which the defendant contends to be _____.
- (2) **DOS** means the "date of separation of the parties," which the Plaintiff contends to be _____, and which the Defendant contends to be _____.
- (3) **FMV** means the "fair market value."
- (4) **LIEN** means a "lien on property." Whether created by a mortgage, deed of trust, security agreement or otherwise.
- (5) **PROPERTY** means anything that you can own (not just land and house, but also other things like bank accounts and retirement accounts; anything you can own.)
- (6) **SEPARATE PROPERTY** means property that either of you received either before the marriage or after the DOS, or that either of you received during the marriage by gift or inheritance.
- (7) **MARITAL PROPERTY** means property that is not Separate Property, not matter whose name it is in, that either of you received between the date of your marriage and the DOS.

**SCHEDULE I
REAL PROPERTY AND MOBILE HOMES**

This includes land, houses, anything permanently attached to land, and mobile homes.
Include a description of the property sufficient that the Court can identify it.

Property	Value			Classification			Possession			Distribution		
	Husband Contends the DOS FMV	Wife Contends the DOS FMV	Agreed on or Court Finding FMV	Husband Contends Marital or Separate (M or S)	Wife Contends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contends who has it? (H or W)	Wife Contends who has it? (H or W)	Agreed on or Court Finding who has it? (H or W)	Husband Contends who gets it? (H or W)	Wife Contends who gets it? (H or W)	Agreed on or Court Finding who gets it? (H or W)
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2.												
3.												
4.												
5.												
6.												

**Schedule II
Motor Vehicles**

Include a description of the property sufficient that the Court can identify it.

Property	Value			Classification			Possession			Distribution		
	Husband Contends the DOS FMV	Wife Contends the DOS FMV	Agreed on or Court Finding FMV	Husband Contends Marital or Separate (M or S)	Wife Contends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contends who has it? (H or W)	Wife Contends who has it? (H or W)	Agreed on or Court Finding who has it? (H or W)	Husband Contends who gets it? (H or W)	Wife Contends who gets it? (H or W)	Agreed on or Court Finding who gets it? (H or W)
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12.												

SCHEDULE III
HOUSEHOLD FURNISHINGS/COLLECTIBLES
 Include a description of the property sufficient that the Court can identify it.

Property	<i>Value</i>			<i>Classification</i>			<i>Possession</i>			<i>Distribution</i>		
	Husband Contends the DOS FMV	Wife Contends the DOS FMV	Agreed on or Court Finding FMV	Husband Contends Marital or Separate (M or S)	Wife Contends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contends who has it? (H or W)	Wife Contends who has it? (H or W)	Agreed on or Court Finding who has it? (H or W)	Husband Contends who gets it? (H or W)	Wife Contends who gets it? (H or W)	Agreed on or Court Finding who gets it? (H or W)
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SCHEDULE IV
MISCELLANEOUS PERSONAL PROPERTY
 (Tools, Guns, Lawn Equipment, Jewelry, Animals)
 Include a description of the property sufficient that the Court can identify it.

Property	Value			Classification			Possession			Distribution		
	Husband Contends the DOS FMV	Wife Contends the DOS FMV	Agreed on or Court Finding FMV	Husband Contends Marital or Separate (M or S)	Wife Contends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contends who has it? (H or W)	Wife Contends who has it? (H or W)	Agreed on or Court Finding who has it? (H or W)	Husband Contends who gets it? (H or W)	Wife Contends who gets it? (H or W)	Agreed on or Court Finding who gets it? (H or W)
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53.												

SCHEDULE V
ACCOUNTS (Checking, Savings, CD's)
 Include a description of the property sufficient that the Court can identify it.

Property	Value			Classification			Possession			Distribution		
	Husband Contends the DOS FMV	Wife Contends the DOS FMV	Agreed on or Court Finding FMV	Husband Contends Marital or Separate (M or S)	Wife Contends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contends who has it? (H or W)	Wife Contends who has it? (H or W)	Agreed on or Court Finding who has it? (H or W)	Husband Contends who gets it? (H or W)	Wife Contends who gets it? (H or W)	Agreed on or Court Finding who gets it? (H or W)
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55.												
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57.												
58.												
59.												
60.												

SCHEDULE VI
BUSINESSES, STOCKS, SECURITIES AND INTANGIBLE ASSETS
 Include a description of the property sufficient that the Court can identify it.

Property	Value			Classification			Possession			Distribution		
	Husband Contends the DOS FMV	Wife Contends the DOS FMV	Agreed on or Court Finding FMV	Husband Contends Marital or Separate (M or S)	Wife Contends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contends who has it? (H or W)	Wife Contends who has it? (H or W)	Agreed on or Court Finding who has it? (H or W)	Husband Contends who gets it? (H or W)	Wife Contends who gets it? (H or W)	Agreed on or Court Finding who gets it? (H or W)
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62.												
63.												
64.												
65.												
66.												

**SCHEDULE VII
RETIREMENT**
(Pensions, 401 (K), Profit Sharing Plans, IRAs)

Property	Value			Classification			Possession			Distribution		
	Husband Contends the DOS FMV	Wife Contends the DOS FMV	Agreed on or Court Finding FMV	Husband Contends Marital or Separate (M or S)	Wife Contends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contends who has it? (H or W)	Wife Contends who has it? (H or W)	Agreed on or Court Finding who has it? (H or W)	Husband Contends who gets it? (H or W)	Wife Contends who gets it? (H or W)	Agreed on or Court Finding who gets it? (H or W)
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68.												
69.												
70.												
71.												
72.												
73.												

**SCHEDULE VIII
LIFE INSURANCE POLICIES**
(Use the Case Values of your policies)

Property	Value			Classification			Possession			Distribution		
	Husband Contends the DOS FMV	Wife Contends the DOS FMV	Agreed on or Court Finding FMV	Husband Contends Marital or Separate (M or S)	Wife Contends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contends who has it? (H or W)	Wife Contends who has it? (H or W)	Agreed on or Court Finding who has it? (H or W)	Husband Contends who gets it? (H or W)	Wife Contends who gets it? (H or W)	Agreed on or Court Finding who gets it? (H or W)
74.												
75.												
76.												
77.												
78.												
79.												

SCHEDULE 1X
PROPERTY ACQUIRED AFTER DOS
 Include a description of the property sufficient that the Court can identify it.

Property	Value			Classification			Possession			Distribution		
	Husband Contends the DOS FMV	Wife Contends the DOS FMV	Agreed on or Court Finding FMV	Husband Contends Marital or Separate (M or S)	Wife Contends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contends who has it? (H or W)	Wife Contends who has it? (H or W)	Agreed on or Court Finding who has it? (H or W)	Husband Contends who gets it? (H or W)	Wife Contends who gets it? (H or W)	Agreed on or Court Finding who gets it? (H or W)
80.												
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100.												

**SCHEDULE X
DEBTS THAT ARE SECURED**

List your debts that are secured by a lien on property. Include the name, address, telephone number, and account number of the creditor. For each creditor, identify (the same way you did in the "property schedules") the property securing the debt.
Also, attach a copy of the documents, which show the amount of the debt.

Property	Value			Classification			Possession			Distribution		
	Husband Contends the DOS FMV	Wife Contends the DOS FMV	Agreed on or Court Finding FMV	Husband Contends Marital or Separate (M or S)	Wife Contends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contends who has it? (H or W)	Wife Contends who has it? (H or W)	Agreed on or Court Finding who has it? (H or W)	Husband Contends who gets it? (H or W)	Wife Contends who gets it? (H or W)	Agreed on or Court Finding who gets it? (H or W)
101.												
102.												
103.												
104.												
105.												

**SCHEDULE XI
DEBTS THAT ARE NOT SECURED**

List your debts that are NOT secured by a lien on property. Include the name, address, telephone number, and account number of the creditor. For each creditor, identify (the same way you did in the "property schedules") the property securing the debt.
Also, attach a copy of the documents, which show the amount of the debt.

Property	Value			Classification			Possession			Distribution		
	Husband Contends the DOS FMV	Wife Contends the DOS FMV	Agreed on or Court Finding FMV	Husband Contends Marital or Separate (M or S)	Wife Contends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contends who has it? (H or W)	Wife Contends who has it? (H or W)	Agreed on or Court Finding who has it? (H or W)	Husband Contends who gets it? (H or W)	Wife Contends who gets it? (H or W)	Agreed on or Court Finding who gets it? (H or W)
106.												
107.												
108.												
109.												
110.												
111.												
112.												
113.												

SCHEDULE XII
DIVISIBLE PROPERTY
Itemize on a separate sheet as needed.

Factors	Husband's Contentions	Wife's Contentions	Agreed or Court Finding
115. Appreciation and diminution in value of marital property and divisible property of the parties occurring after the date of separation and prior to the date of distribution. Do not include the appreciation or diminution in value, which is the result of post-separation actions or activities of a spouse.			
116. Property, property rights, or any portion thereof received after the date of separation but before the date of distribution that was acquired as a result of the efforts of either spouse during the marriage and before the date of separation, including, but not limited to, commissions, bonuses, and contractual rights.			
117. Passive income from marital property received after the date of separation, including, but not limited to, interest and dividends.			
118. Increases in marital debt and financing charges and interest related to marital debt.			

SCHEDULE XIII
FACTORS JUSTIFYING AN UNEQUAL DISTRIBUTION
 Itemize on a separate sheet as needed.

Factors	Husband's Contentions	Wife's Contentions	Agreed on or Court Finding
(1) The income, property, and liabilities of each party at the time the division of property is to become effective.			
(2) An obligation for support arising out of a prior marriage.			
(3) The duration of the marriage and the age and physical and mental health of both parties.			
(4) The need of a parent with custody of a child or children of the marriage to occupy or own the marital residence and to sell or own its household effects.			
(5) The expectation of pension, retirement or other deferred compensation rights, which are not marital property.			
(6) Any equitable claim to, interest in, or direct or indirect contribution made to the acquisition of such marital property by the party not having title, including joint efforts or expenditures and contributions and services or lack thereof as a spouse.			
(7) Any direct or indirect contribution made by one spouse to help educate or develop the career potential of the other spouse.			
(8) Any direct contribution to an increase in value of separate property which occurs during the course of the marriage.			
(9) The liquid or non-liquid character of all marital property and divisible property.			
(10) The difficulty of evaluating any component asset or any interest in a business, corporation or profession, and the economic desirability of retaining such asset or interest, intact and free from any claim or interference by the other party.			
(11) The tax consequences to each party.			
(11a) Acts of either party to maintain, preserve, develop, or expand; or to waste neglect, devalue or convert the marital or divisible property, or both, during the period after separation of the parties and before the time of distribution.			
(8, 11a, 12) Payments on marital debts since separation.			
(8, 11a, 12) Repairs or improvements to marital assets since separation.			
(12) Any other factor which the court finds to be just and proper.			
2) Separate property was used for the purchase price of a marital asset.			
(12) Party's family paid the purchase price of a marital asset.			

VERIFICATION

_____, first being duly sworn, says that the information listed by this party on the Equitable Distribution Inventory Affidavit with attachments is true to my own knowledge, except as to matters and things stated upon information and belief, and as to those matters and things, I verily believe them to be true.

Date _____ *Signature of Affiant* _____ Plaintiff

SWORN AND SUBSCRIBED BEFORE ME THIS DATE

Notary Public
My Commission Expires

(Seal)

VERIFICATION

_____, first being duly sworn, says that the information listed by this party on the Equitable Distribution Inventory Affidavit with attachments is true to my own knowledge, except as to matters and things stated upon information and belief, and as to those matters and things, I verily believe them to be true.

Date _____ *Signature of Affiant* _____ Defendant

SWORN AND SUBSCRIBED BEFORE ME THIS DATE

Notary Public
My Commission Expires

(Seal)



STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

COUNTY OF _____

FILE NO.: _____

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

EMPLOYER AFFIDAVIT

_____ (payroll officer or employee), being duly sworn, deposes and says:

That he/she is an employee of _____; that the Plaintiff/Defendant in the above-entitled action, is and/or was an employee of _____; that the record attached hereto of Plaintiff/Defendant's earnings, deductions, company benefits and length of employment is true and correct to the best of affiant's information and belief.

This the ____ day of _____, 20__.

Affiant (owner/personnel officer)

Title:

Subscribed and sworn to before me
this the ____ day of _____, 20__.

Notary Public
My commission expires: _____

EARNINGS INFORMATION

1. Earnings last calendar year (20____), including bonus, if any:
 - a) gross: \$ _____
 - b) net: \$ _____

2. Present rate of pay: \$ _____ per _____.
If paid on production or commission, what is present average gross pay? \$ _____
per _____.

3. How often is employee paid? _____

4. Number of hours working and shift hours that employee works per day:

5. Number of days working and days that employee works per week:

6. Deductions from gross pay per pay period:
 - a) State taxes: \$ _____
 - b) Federal taxes: \$ _____
 - c) FICA: \$ _____
 - d) Medical Insurance*: \$ _____
 - e) Disability Insurance \$ _____
 - f) Life Insurance \$ _____
 - g) Health Savings Plan \$ _____
 - h) Retirement / 401K \$ _____

*How much of medical insurance premium is allocated for coverage of children?
\$ _____ per _____.

*How much of medical insurance premium is allocated for coverage of spouse?
\$ _____ per _____

7. Number of exemptions claimed: _____

8. Date employee last paid: _____
How many pay periods, if any, are employee's earnings retained by employer?

9. Earnings this calendar year () through date employee last paid, including bonus, if any:
 - a) gross: \$ _____
 - b) net: \$ _____

10. Is employee paid a bonus? _____
 If "yes," explain:
 a) How computed: _____
 b) When paid and how often: _____
 c) Amount paid last calendar year: _____
 d) Amount paid this calendar year: _____
11. What pay increase, if any, has employee received in past twelve (12) months?
 Increase amount(s): _____

 Date(s) received: _____
12. Nature of employment: _____

13. Amount paid by employer on employee's behalf for:
 a) Medical insurance: \$ _____ per _____
 b) Disability insurance: \$ _____ per _____
 c) Dues: \$ _____ per _____
 d) Retirement: \$ _____ per _____
 e) Reimbursed Expenses: \$ _____ per _____
14. Amount of overtime employee worked in the past twelve (12) months.

15. Amount of overtime that was **available** to employee in the past twelve (12) months.

16. Please attach copies of employee's eight (8) most recent pay stubs.
17. Please describe changes employee should expect, if any, within three months in job description, compensation and/or working hours:

18. If not previously described herein, please describe changes, if any, employee has had within past twelve months in job description, compensation and/or working hours:

19. Is health insurance available to the Employee? _____

20. What would be the cost of insurance to the Employee for coverage of one minor child? _____

21. If the Employee has been terminated, please explain how the reason for said termination and when Employee was terminated:

STATE OF NORTH CAROLINA _____ COUNTY	In The General Court of Justice District Court Division District 33 File No. -CVD-
Plaintiff:	FINANCIAL AFFIDAVIT
VERSUS	
Defendant:	

The Undersigned Plaintiff Defendant, having been first duly sworn as to the truthfulness and completeness of this Affidavit, deposes and says:

My average monthly financial needs and my average monthly income, while living separate and apart from my spouse, are as follows:

A. Individual Needs	Self	Child(ren)	Total
1. Groceries & Household Goods			\$0.00
2. Food (School/Work lunches)			\$0.00
3. Clothing			\$0.00
4. Personal Care (includes laundry, dry cleaning, cosmetics, grooming)			\$0.00
5. Recreation/Entertainment			\$0.00
6. Activities (Sports, Clubs)			\$0.00
7. Medical & Dental Insurance (if NOT withheld from earnings)			\$0.00
8. Uninsured Medical & Dental Expenses			\$0.00
9. Child care			\$0.00
10. Educational expenses (includes school supplies)			\$0.00
11. Donations, dues & charity			\$0.00
12. Magazines, newspapers, books, etc.			\$0.00
13. Gifts-birthday, wedding, anniversaries, funeral			\$0.00
14. Car- gas and maintenance			\$0.00
15. Other:			\$0.00
16. Other:			\$0.00
17. Other			\$0.00
18. Other			\$0.00
19. Other			\$0.00
20. Other			\$0.00
21. Total Individual Needs	\$0.00	\$0.00	\$0.00
B. Fixed Expenses: How much do you allocate for:	Self	Child(ren)	Total
22. Rent or house payment			\$0.00
23. Property Tax (excluded above)			\$0.00
24. Homeowner's or Renter's Insurance			\$0.00
25. Household maintenance and repair			\$0.00
26. Yard maintenance			\$0.00
27. Electricity			\$0.00
28. Water			\$0.00
29. Heat (gas, fuel, oil, etc.)			\$0.00
30. Telephone			\$0.00

31. Car payment			\$0.00
32. Car insurance			\$0.00
33. Other:			\$0.00
34. Other:			\$0.00
35. Other:			\$0.00
36. Other:			\$0.00
37. Other:			\$0.00
38. Total Fixed Expenses	\$0.00	\$0.00	\$0.00
C. Debt Payments (Itemize)			
To Whom Owed		Balance	Monthly Payments
39.			
40.			
41.			
42.			
43.			
44.			
45.			
46.			
47.			
48.			
49.			
50.			
51. Total Debt Payments		\$0.00	\$0.00
	Self	Child(ren)	Total
52. Total Individual Needs	\$0.00	\$0.00	\$0.00
53. Total Fixed Expenses	\$0.00	\$0.00	\$0.00
54. Total Debt Payments	\$0.00		\$0.00
55. Total Monthly Needs	\$0.00	\$0.00	\$0.00
D. Income		Self	Total
56. Wages			\$0.00
57. Overtime			\$0.00
58. Commissions			\$0.00
59. Bonuses			\$0.00
60. Interest			\$0.00
61. Dividends			\$0.00
62. Trust Fund			\$0.00
63. Social Security			\$0.00
64. Pension or Military Retirement			\$0.00
65. Business Profit			\$0.00
66. Federal Income Tax Refund (previous year divided by 12)			\$0.00
67. State Income Tax Refund (previous year divided by 12)			\$0.00
68. Other:			\$0.00
69. Other:			\$0.00
70. Other:			\$0.00
71. Gross Income		\$0.00	\$0.00
Deductions:		Self	Total
72. Federal Income Tax (deducted from paycheck)			\$0.00
73. State Income Tax (deducted from paycheck)			\$0.00
74. FICA (deducted from paycheck)			\$0.00



75. Medical Insurance (deducted from paycheck)		\$0.00
76. Dental Insurance (deducted from paycheck)		\$0.00
77. Vision Insurance (deducted from paycheck)		\$0.00
78. Retirement (deducted from paycheck)		\$0.00
79. Federal Income Tax (not deducted from paycheck but directly paid to IRS-previous year divided by 12)		\$0.00
80. State Income Tax (not deducted from paycheck but directly paid to state-previous year divided by 12)		\$0.00
81. Other:		\$0.00
82. Total Deductions:	\$0.00	\$0.00
83. Net Income	\$0.00	\$0.00

84. I am employed at _____

85. I have been employed there since _____ (date).

If not currently employed, my last regular job was at _____ and I worked there until _____ (date).

86. I have have not received substantially the same income for the past 12 months. If not substantially the same, explain the reason for the change. _____

87. I do do not have a second job. If you do have a second job:

Employer: _____

Rate of pay: _____ Total monthly income from second job: _____

Attach:

(1) Pay stubs (or other proof of income for previous 30 days) and

(2) Most recent W-2 or 1099 form.

Summary	Total Needs Self	\$0.00
	Total Needs Child(ren)	\$0.00
	Total Needs Self + Child(ren)	\$0.00
	Gross Income*	\$0.00
	Net Income*	\$0.00

*Does not include figures regarding additional job.

Signature of Affiant <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant		Date
SWORN AND SUBSCRIBED BEFORE ME THIS DATE		Notary Seal
Notary Public		
My Commission Expires		



NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

_____ COUNTY

_____ CVD _____

Plaintiff,

vs.

PRE-TRIAL ORDER

Defendant.

THIS MATTER COMING ON TO BE HEARD upon pre-trial conference before the undersigned Presiding Judge upon pleadings seeking a determination of marital property and an equitable distribution of such property as shall be determined to be marital;

AND IT APPEARING that the parties have reached agreement on certain facts and on certain issues and have delineated the areas of agreement and disagreement;

AND IT APPEARING that by their signatures affixed hereto, each party stipulates that he or she agrees with the facts and issues classified as agreed upon and stipulates that the facts and issues classified as being in dispute are accurately reflected and that there are no other issues to be determined by the Court;

AND IT FURTHER APPEARING that each party by signing this Pre-Trial Order warrants and avows that he or she has disclosed the existence of all property, both separate and marital, to which he or she may have claim at the date of valuation of marital property, regardless of to whom such property may be titled or in whom actual ownership may be designated. Said disclosure has been full and honest and is free from taint of fraud;

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED and stipulated as follows:

1. The Court has jurisdiction over the parties and subject matter of this action.
2. Plaintiff and Defendant were married _____.
3. The following children were born of the marriage: _____

4. The date plaintiff and defendant separated is _____.

5. The date of valuation is _____.
6. Schedule I is a list of real property and mobile homes.
7. Schedule II is a list of motor vehicles.
8. Schedule III is a list of household furnishings and collectables.
9. Schedule IV is a list of miscellaneous personal property.
10. Schedule V is a list of accounts.
11. Schedule VI is a list of all businesses, stocks, securities and intangible assets.
12. Schedule VII is a list of retirement accounts.
13. Schedule VIII is a list of all life insurance policies.
14. Schedule IX is a list of all property acquired after the date of separation.
15. Schedule X is a list of debt that is secured.
16. Schedule XI is a list of debt that is unsecured.
17. Schedule XII is a list of divisible property.
18. An equal division is / is not an equitable division.
19. Schedule XIII is a list of factors justifying an unequal distribution.
20. The Presiding Judge shall rule on the following:
 - (a) What are the values of the items upon which the parties disagree as to value.
 - (b) Whether items about which the parties disagree as to classification are marital, separate or mixed property.
 - (c) If the parties do not agree that equal is equitable, the Judge shall rule on an equitable division.

21. The schedules and contentions of either party may be modified up to seven (7) days prior to trial.
22. Every schedule and item contained on each schedule is subject to modification if the parties stipulate.
23. The Court retains its authority, based on the evidence, to make findings of fact, conclusions of law and orders regarding value or distribution to affect an equitable division of property notwithstanding the stipulations of the parties.

This the _____ day of _____, _____.

Judge Presiding

CONSENTED TO:

Plaintiff

Plaintiff's Attorney

Defendant

Defendant's Attorney



STATE OF NORTH CAROLINA

COUNTY

I _____, a Notary Public for said County and State, do hereby certify that _____, personally appeared before me this _____ day _____, _____, and

_____ I have personal knowledge of the identity of said person, or

_____ I have seen satisfactory evidence of said person's identity, by a current state or federal identification with said person's photograph in the form of a driver's license/state-issued identification card,

And having been sworn or affirmed, said person acknowledged to me that she voluntarily signed the foregoing document for the purposes stated therein.

(SEAL)

Notary Public (signature)

Name Printed: _____

My commission expires: _____

STATE OF NORTH CAROLINA

COUNTY

I _____, a Notary Public for said County and State, do hereby certify that _____, personally appeared before me this _____ day _____, _____, and

_____ I have personal knowledge of the identity of said person, or

_____ I have seen satisfactory evidence of said person's identity, by a current state or federal identification with said person's photograph in the form of a driver's license/state-issued identification card,

And having been sworn or affirmed, said person acknowledged to me that he voluntarily signed the foregoing document for the purposes stated therein.

(SEAL)

Notary Public (signature)

Name Printed: _____

My commission expires: _____

Financial Affidavit

STATE OF NORTH CAROLINA _____ COUNTY	In The General Court of Justice District Court Division District 33
Plaintiff:	File No.
VERSUS	FINANCIAL AFFIDAVIT
Defendant:	

The Undersigned Plaintiff Defendant, having been first duly sworn as to the truthfulness and completeness of this Affidavit, deposes and says:

My average monthly financial needs and my average monthly income, for the time period of _____ through _____, are as follows:

A. Individual Needs	Self	Child(ren)	Total
1. Groceries & Household Goods			
2. Food (School/Work lunches)			
3. Clothing			
4. Personal Care (includes laundry, dry cleaning, cosmetics, grooming)			
5. Recreation/Entertainment			
6. Activities (Sports, Clubs)			
7. Medical & Dental Insurance (if NOT withheld from earnings)			
8. Uninsured Medical & Dental expenses			
9. Child care			
10. Educational expenses (includes school supplies)			
11. Donations, dues & charity			
12. Magazines, newspapers, books, etc.			
13. Gifts – birthday, wedding, anniversaries, funeral			
14. Car – gas & maintenance			
15. Other (Itemize)			
16.			
17.			
18.			
19.			
20.			
21. Total Individual Needs (add lines 1-20) Also put totals on line 52			
B. Fixed Expenses: How much do you allocate for:	Self	Child(ren)	Total
2. Rent or house payment			
23. Property tax (excluded above)			

24. Homeowner's or Renter's insurance			
	Self	Child(ren)	Total
25. Household maintenance and repair			
26. Yard Maintenance			
27. Electricity			
28. Water			
29. Heat (gas, fuel oil, etc.)			
30. Telephone			
31. Car payment			
32. Car insurance			
33. Other: (Itemize)			
34.			
35.			
36.			
37.			
38. Total Fixed Expenses (add lines 22-37) Also put totals on line 53			
C. Debt Payments (Itemize)			
	To Whom Owed	Balance	Monthly Payments
39.			
40.			
41.			
42.			
43.			
44.			
45.			
46.			
47.			
48.			
49.			
50.			
51. Total Debt Payments (add lines 39-50) Also put totals on line 54			
	Self	Child(ren)	Total
52. Total Individual Needs (line 21)			
53. Total Fixed Expenses (line 38)			
54. Total Debt payments (line 51)		No debt payments can be allocated to children.	

55. Total Monthly Needs (add lines 52-54) Also put total in summary box			
---	--	--	--

D. Income

56. Wages			
57. Overtime			
58. Commissions			
59. Bonuses			
60. Interest			
61. Dividends			
62. Trust Fund			
63. Social Security			
64. Pension or Military Retirement			
65. Business Profit			
66. Federal Income Tax Refund (previous year divided by 12)			
67. State Income Tax Refund (previous year divided by 12)			
68. Other			
69.			
70.			
71. Gross Income (add lines 56 thru 70) Also put in summary box			

Deductions:

72. Federal Income Tax (deducted from paycheck)			
73. State Income Tax (deducted from paycheck)			
74. FICA (deducted from paycheck)			
75. Medical Insurance (deducted from paycheck)			
76. Dental Insurance (deducted from paycheck)			
77. Vision Insurance (deducted from paycheck)			
78. Retirement (deducted from paycheck)			
79. Federal Income Tax (not deducted from paycheck but directly paid to IRS - previous year divided by 12)			
80. State Income Tax (not deducted from paycheck but directly paid to the state - previous year divided by 12)			
81. Other			
82. Total Deductions (add lines 72-81)			
83. Net Income (subtract line 82 from line 71) Also put in summary box			

84. I am employed at _____

85. I have been employed there since: _____ (date).
 If not now employed, my last regular job was at: _____
 and I worked there until: _____ (date).

86. I have have not received substantially the same income for the past 12 months. If not substantially the same, explain the reason for the change. _____

37. I do do not have a second job. If you do have a second job:

Employer: _____

Rate of pay: _____ Total monthly income from second job: _____

Attach: (1) pay stubs (or other proof of income for previous 30 days) and (2) most recent w2 or 1099 form.

Monthly Summary

Total Needs Self <small>(line 55)</small>	Total Needs Children <small>(line 55)</small>	Total Needs Self + Children <small>(line 55)</small>	Gross Income* <small>(line 71)</small>	Net Income* <small>(line 83)</small>

* Does not include figures included in line 87 regarding additional jobs.

Signature of Affiant

Plaintiff
 Defendant

Date

SWORN AND SUBSCRIBED BEFORE ME THIS DATE

Notary Public

My Commission Expires

(Seal)

