

§ 7A-232. Forms.

The following forms are sufficient for the purposes indicated under this article. Substantial conformity is sufficient.

FORM 1.

MAGISTRATE SUMMONS

NORTH CAROLINA

General Court of Justice
District Court Division
Before the Magistrate

_____ COUNTY

A. B., Plaintiff

v.

SUMMONS

C. D., Defendant

To the above-named Defendant:

You are hereby summoned to appear before His Honor _____, Magistrate of the District Court, at _____ (time) _____, on _____ (date) _____, at the _____ (address) _____ in the _____ (city) _____, then and there to defend against proof of the claim stated in the complaint filed in this action, copy of which is served herewith. You may file written answer making defense to the claim in the office of the Clerk of Superior Court _____ County in _____, N. C., not later than the time set for trial. If you do not file answer, plaintiff must nevertheless prove his claim before the Magistrate. But if you fail to appear and defend against the proof offered, judgment for the relief demanded in the complaint may be rendered against you.

This _____ day of _____ (month) _____, _____.

Clerk of Superior Court
_____ County

FORM 2.

NOTICE OF NON-ASSIGNMENT OF ACTION

NORTH CAROLINA

General Court of Justice
District Court Division

_____ County

A. B., Plaintiff

v.

NOTICE OF NON-ASSIGNMENT

C. D., Defendant

OF ACTION

To the above-named Plaintiff:

Take notice that the civil action styled as above which you requested be assigned for trial before a Magistrate will not be assigned. Thirty-day summons to answer is being issued for service upon defendant, and upon the joining of issue this action will be placed on the civil issue docket for trial before a district judge.

This _____ day of _____ (month) _____, _____.

Clerk of Superior Court
_____ County

FORM 3.

NOTICE OF ASSIGNMENT OF ACTION

NORTH CAROLINA

General Court of Justice
District Court Division
Before the Magistrate

_____ COUNTY

A. B., Plaintiff

v.

NOTICE OF ASSIGNMENT
OF ACTION

C. D., Defendant

To the above-named Plaintiff:

Take notice that the civil action styled as above, commenced by you as plaintiff, has been assigned for trial before His Honor _____, Magistrate of the District Court, at _____ (time) _____ on _____ (date) _____, at _____ (address) _____ in _____ (city) _____, N.C.

Clerk of Superior Court
_____ County

FORM 4.

COMPLAINT ON A PROMISSORY NOTE

NORTH CAROLINA

General Court of Justice
District Court Division
SMALL CLAIM

_____ COUNTY

A. B., Plaintiff

v.

COMPLAINT

C. D., Defendant

1. Plaintiff is a resident of _____ County; defendant is a resident of _____ County.

2. Defendant on or about January 1, 1964, executed and delivered to plaintiff a promissory note (in the following words and figures: (here set out the note verbatim)); (a copy of which is annexed as Exhibit _____); (whereby defendant promised to pay to plaintiff or order on June 1, 1964, the sum of two hundred and fifty dollars (\$250.00) with interest thereon at the rate of six percent (6%) per annum).

3. Defendant owes the plaintiff the amount of said note and interest.

Wherefore plaintiff demands judgment against defendant for the sum of two hundred and fifty dollars (\$250.00), interest and costs.

This _____ day of _____, _____

(signed) A. B., Plaintiff
(or E. F., Attorney for Plaintiff)

Service by mail is, is not, requested.

(signed) A. B., Plaintiff
(or E. F., Attorney for Plaintiff)

FORM 5.

COMPLAINT ON AN ACCOUNT

(Caption as in form 4)

1. (Allegation of residence of parties)
2. Defendant owes plaintiff two hundred and fifty dollars (\$250.00) according to the account annexed as Exhibit A.
Wherefore (etc., as in form 4).

FORM 6.

COMPLAINT FOR GOODS SOLD AND DELIVERED

(Caption as in form 4)

1. (Allegation of residence of parties)
2. Defendant owes plaintiff two hundred and fifty dollars (\$250.00) for goods sold and delivered to defendant between June 1, 1965, and December 1, 1965.
Wherefore (etc., as in form 4).

FORM 7.

COMPLAINT FOR MONEY LENT

(Caption as in form 4)

1. (Allegation of residence of parties)
2. Defendant owes plaintiff two hundred and fifty dollars (\$250.00) for money lent by plaintiff to defendant on or about June 1, 1965.
Wherefore (etc., as in form 4.)

FORM 8.

COMPLAINT FOR CONVERSION

(Caption as in form 4)

1. (Allegation of residence of parties)
2. On or about June 1, 1965, defendant converted to his own use a set of plumbing tools of the value of two hundred and fifty dollars (\$250.00), the property of plaintiff.
Wherefore (etc., as in form 4).

FORM 9.

COMPLAINT FOR INJURY TO PERSON OR PROPERTY

(Caption as in form 4)

1. (Allegation of residence of parties)
2. On or about June 1, 1965, at the intersection of Main and Church Streets in the Town of Ashley, N. C., defendant (intentionally struck plaintiff a blow in the face) (negligently drove a bicycle into plaintiff) (intentionally tore plaintiff's clothing) (negligently drove a motorcycle into the side of plaintiff's automobile).
3. As a result (plaintiff suffered great pain of body and mind, and incurred expenses for medical attention and hospitalization in the sum of one hundred and fifty dollars (\$150.00)

(plaintiff suffered damage to his property above described in the sum of two hundred and fifty dollars (\$250.00).

Wherefore (etc., as in form 4).

FORM 10.

COMPLAINT TO RECOVER POSSESSION OF CHATTEL

(Caption as in form 4)

1. (Allegation of residence of parties)

2. Defendant has in his possession a set of plumber's tools of the value of two hundred dollars (\$200.00), the property of plaintiff. Plaintiff is entitled to immediate possession of the same but defendant refuses on demand to deliver the same to plaintiff.

3. Defendant has unlawfully kept possession of the property above described since on or about June 1, 1965, and has thereby deprived plaintiff of its use, to his damage in the sum of fifty dollars (\$50.00).

Wherefore plaintiff demands judgment against defendant for the recovery of possession of the property above described and for the sum of fifty dollars (\$50.00), interest and costs. (etc., as in form 4).

FORM 11.

COMPLAINT IN SUMMARY EJECTMENT

(Caption as in form 4)

1. (Allegation of residence of parties)

2. Defendant entered into possession of a tract of land (briefly described) as a lessee of plaintiff (or as lessee of E. F. who, after making the lease, assigned his estate to the plaintiff); the term of defendant expired on the 1st day of June, 1965 (or his term has ceased by nonpayment of rent, or otherwise, as the fact may be); the plaintiff has demanded possession of the premises of the defendant, who refused to surrender it, but holds over; the estate of plaintiff is still subsisting, and the plaintiff is entitled to immediate possession.

3. Defendant owes plaintiff the sum of fifty dollars (\$50.00) for rent of the premises from the 1st of May, 1965, to the 1st day of June, 1965, and one hundred dollars (\$100.00) for the occupation of the premises since the 1st day of June, 1965 to the present.

Wherefore, plaintiff demands judgment against defendant that he be put in immediate possession of the premises, and that he recover the sum of one hundred and fifty dollars (\$150.00), interest and costs. (etc., as in form 4). (1965, c. 310, s. 1; 1971, c. 1181, s. 2; 1999-456, s. 59.)