Entering Form Judgments: Summary Ejectment

Melanie Crenshaw
One-Day Civil Law Seminar



ROAD MAP

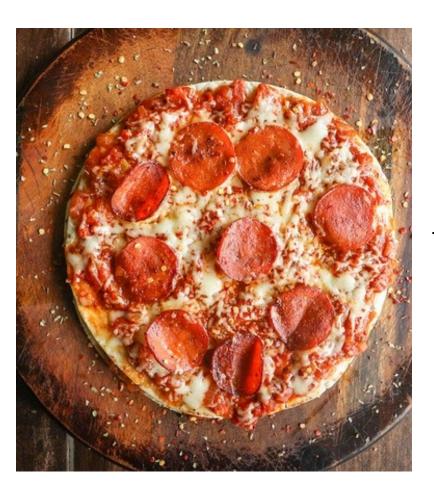
- Judicial Decision-Making
- Anatomy of a Judgment Form
- Three Pivotal
 Points in Time for Judgments



Judicial Decision-Making



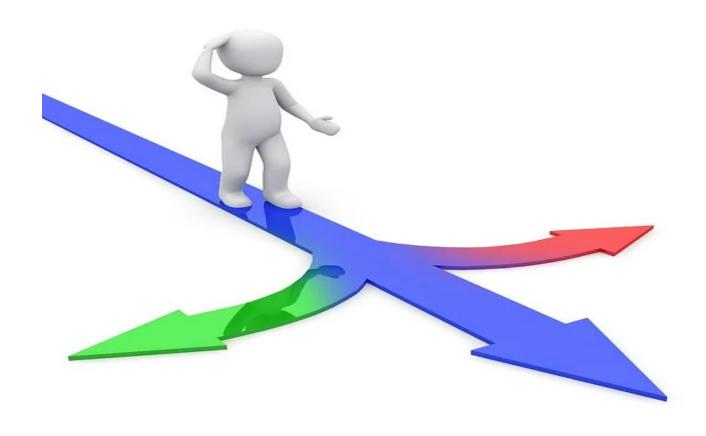
What is your decision?



VS.



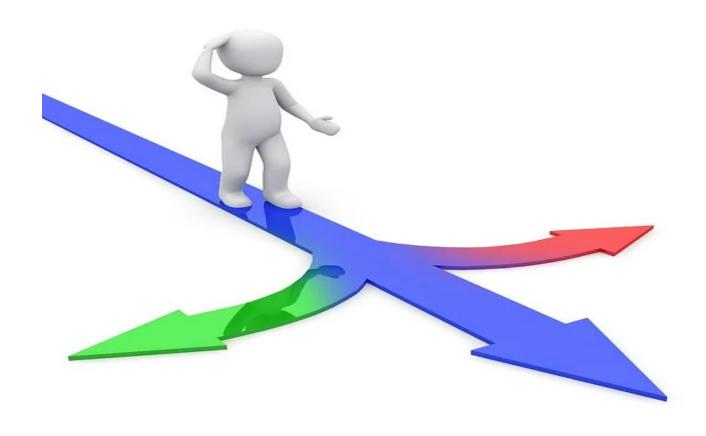
How did you make your decision?



What is your decision?



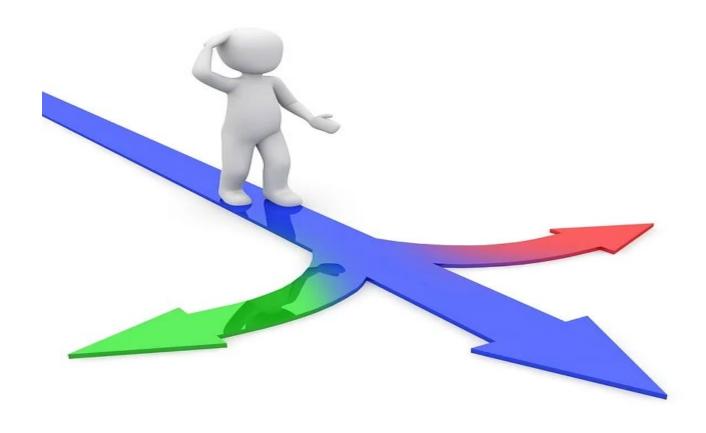
How did you make your decision?



What about summary ejectment and rent abatement?



How do you make your decision?



Putting on your "Judge Hat" Judicial Decision-Making





Neutral Detached

Objective Impartial



As Judge...



- 1. You determine the legal rule and its elements.
- 2. You explain the process to the parties.
- 3. You question the parties to get the information you need.
- 4. You apply the law to the facts of the case.
- 5. You enter judgment.



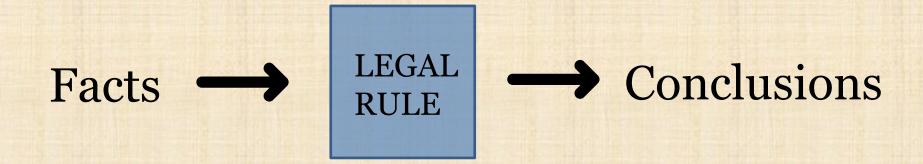
To make a decision:



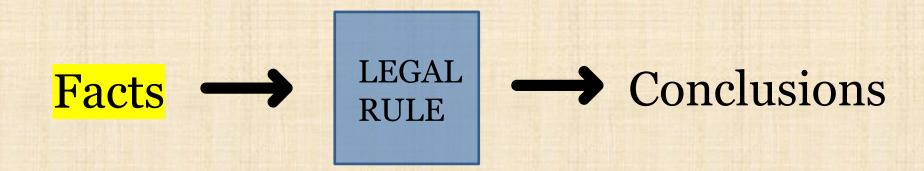
1. You determine the legal rule and its elements

2. You find the facts

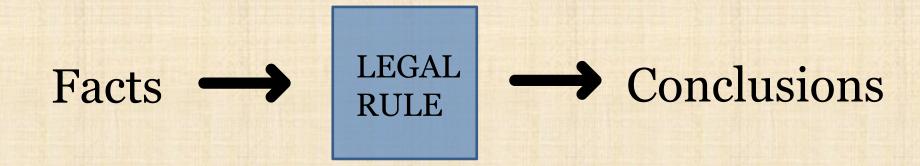
3. You apply the law to the facts of the case



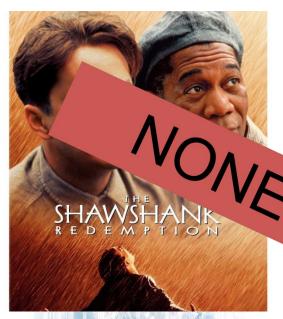




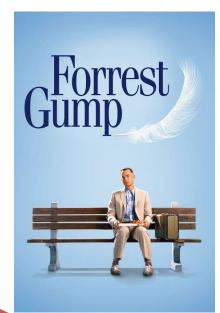




Best Movie of All Time?





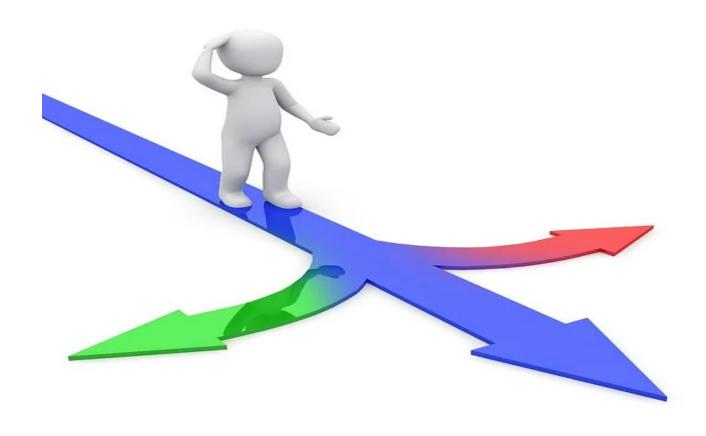








How did you make your decision?



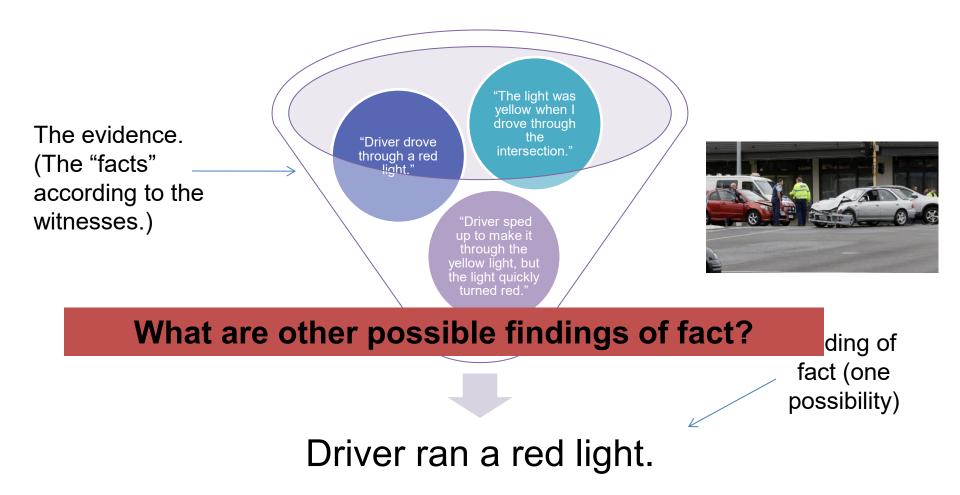
Findings of Fact & Conclusions of Law



What is "finding fact"?

Determining what the facts are from the disputed evidence.







What is "finding fact"?

GATHER THE COMPETENT EVIDENCE FIND THE FACTS WRITE DOWN YOUR FINDINGS

These are the facts you will use to apply your legal rule and make conclusions.



The Law

§ 7A-222. General trial practice and procedure.

- (a) Trial of a small claim action before a magistrate is without a jury. The rules of evidence applicable in the trial of civil actions generally are observed. At the conclusion of plaintiff's evidence the magistrate may render judgment of dismissal if plaintiff has failed to establish a prima facie case. If a judgment of dismissal is not rendered the defendant may introduce evidence. At the conclusion of all the evidence the magistrate may render judgment or may in his discretion reserve judgment for a period not in excess of 10 days, except as provided in subsection (b) of this section.
- (b) In a small claim action for summary ejectment, the magistrate shall render judgment on the same day on which the conclusion of all the evidence and submission of legal authorities occurs, unless the parties concur on an extension of additional time for entering the judgment and except for more complex summary ejectment cases, in which event the magistrate shall render judgment within five business days of the hearing. Complex summary ejectment cases include cases brought for criminal activity, breaches other than nonpayment of rent, evictions involving SECTION 8 of the Housing Act of 1937 (42 U.S.C. § 1437f) or public housing tenants, and cases with counterclaims.

Findings of fact should not merely recite or recount the evidence.

They represent what <u>you</u> have decided the facts are.



NO:

"Mr. Jones testified that he did not receive an accounting of how the security deposit was applied."

YES:

"Mr. Jones did not receive an accounting of the security deposit."



- Findings of fact should not sound equivocal or uncertain.
- Avoid leaving the reader with uncertainty about whether you have actually <u>decided</u>.

NO:

"It would seem that Mr. Davis did not provide an accounting to Mr. Jones."

("It seems that..."; It would appear that..., "The Court is inclined to find that..."; It appears to the Court that...")

YES:

"Mr. Davis did not provide an accounting to Mr. Jones."



How do I get there?

- Listen to the evidence.
- Assess the credibility of the witnesses.
- Weigh the value of the various bits of evidence.
- Make the necessary deductions.
- Have confidence.



What is a conclusion of law?

Application of the law at issue to the facts you have just found.



Answer Everything

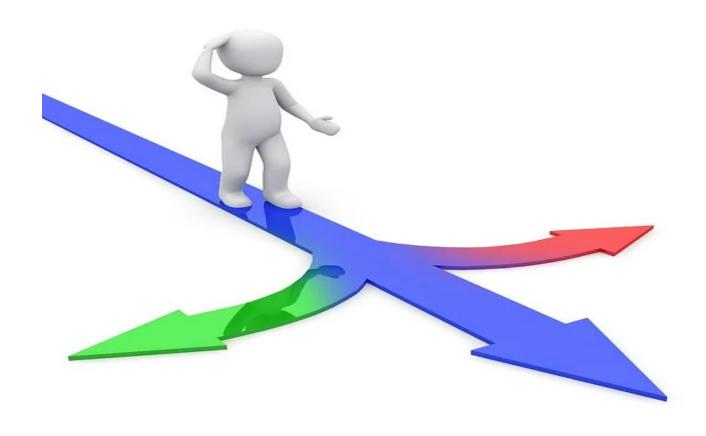
- Remember you need all the facts
 necessary to dispose of all the claims for
 all the parties.
- Your conclusions of law should be based on the application of the law to the facts that you find.

Best Candy Bar?



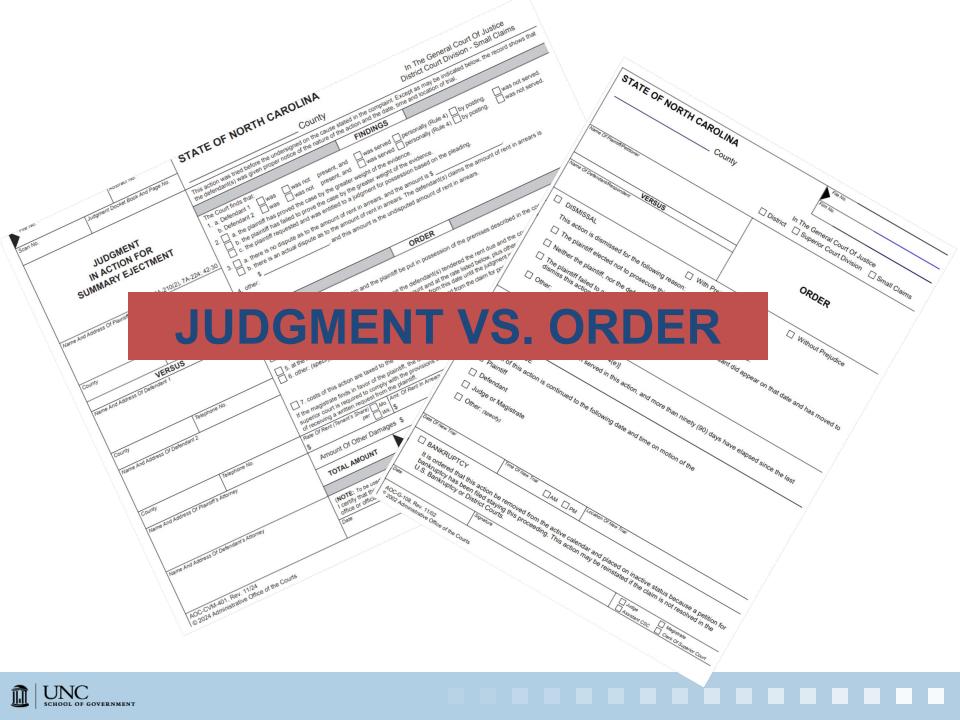


How did you make your decision?



Anatomy of a Judgment Form





What's the difference?

Judgment

- A decision based on the evidence
- Forms provided by AOC
- Rendered in writing and signed by the magistrate or rendered electronically by the magistrate

Order

- Not a judgment on the merits
- AOC-G-108
- Records voluntary and involuntary dismissals
- With or without prejudice



Making Findings



File No.	Abstract No.	STATE OF NORTH CAROLINA					
Scan No.	Judgment Docket Book And Page No.	In The General Court Of Justice County District Court Division - Small Claims					
		This action was tried before the undersigned on the cause stated in the complaint. Except as may be indicated below, the record shows that the defendant(s) was given proper notice of the nature of the action and the date, time and location of trial.					
IN AC	DGMENT CTION FOR RY EJECTMENT	The Court fines that: 1. a. Defendant was was not present, and was served personally (Rule 4) by posting. was not served. b. Defendant was was not was was not present, and was was eved personally (Rule 4) by posting. was not served.					
Name And Address Of Plaintiff	G.S. 7A-210(2), 7A-224; 42-30	2. a. the plaint has proved the case by the greater weight of the e b. the plainth has failed to prove the case by the greater weight of the e c. the plainth has failed to prove the case by the greater weight of the e c. the plainth has proved the case by the greater weight of the case by the greater weight of the e c. the plainth has proved the case by the greater weight of the e case by the greater weight of the case by the greater weight of					
County	Telephone No.	the complaint. Except as may be					
VERSUS Name And Address Of Defendant 1		1. the defendant(s) be removed from and the plaintiff be put in poss 2. this action be dismissed with prejudice. 3. this action be dismissed with prejudice because the defendant(s) 4. the plaintiff recover rent of the defendant(s) in the amount and at the second shows					
County	Telephone No.	S. at the request of the plaintiff, the claim for coney damages is severed that the defendant(s) was given					
Name And Address Of Defendant 2		proper notice of the nature of the support court is required to comply with the provisions (3.8.42-34(e) of receiving a written request from the plaintiff.					
County	Telephone No.	Rate Of Rent (Tenant's Share) Mo. Amt. Of Rent in Arrears (Owed To Date)					
Name And Address Of Plaintiff's Attorney		Amount Of Other Damages \$ location of trial.					
		TOTAL AMOUNT \$					
Name And Address Of Defendant's Attorney		CERTIFICATION (NOTE: To be used when magistrate does not announce and sign this Judgment in open court at the conclusion of the trial.) certify that this Judgment has been served on each party named by depositing a copy in a post-paid properly addressed envelope in a post office or official depository under the exclusive care and custody of the United States Postal Service. Office Signature of Magistrate					
AOC-CVM-401, Rev. 11/24 © 2024 Administrative Office of the Courts							



Scan No. Scan No. Judgment Docket Book And Page No. County In The General Court Of Justice District Court Division - Small Claims	
JUDGMENT IN ACTION FOR the defendant(s) was given proper notice of the nature of the action and the date, time and location of trial. FINDINGS The Court finds that: 1. a. Defendant 1 was was not present, and was served personally (Rule 4) by posting. was not served.	
The Court finds that: IN ACTION FOR The Court finds that: 1. a. Defendant 1 was was not present, and was served personally (Rule 4) by posting. was not served.	
2 a. the plain if has proved the case by the greater weight of the evidence.	
G.S. 7A-210(2). 7A-224; 42-30 Name And Address Of Plaintiff a. there is no dispuls as failed to prove the case by the greater weight of the control of the control of the plaintiff requested and was entitled to a judgment for possess a. there is no dispuls as to the amount of rent in arrears, and the and b. there is an actual dispute as to the amount of rent in arrears. The and this amount is the undisputed a and this amount is the	?
ORDER • Was Defendant served?	
VERSUS It is ORDERED that:	
1. the defendant(s) be removed from and the plaintiff be put in possess 2. this action be dismissed with prejudice because the defendant(s) ter 3. this action be dismissed with prejudice because the defendant(s) in the mount and at the replaintiff recover rent of the defendant(s) in the mount and at the replaintiff is also entitled to interest on the total principal sum from this d 5. at the request of the plaintiff, the claim for money damages is severed from the context of the plaintiff, the claim for money damages is severed from the context of the plaintiff, the claim for money damages is severed from the context of the plaintiff, the claim for money damages is severed from the context of the plaintiff, the claim for money damages is severed from the context of the plaintiff, the claim for money damages is severed from the context of the plaintiff, the claim for money damages is severed from the context of the plaintiff, the claim for money damages is severed from the context of the plaintiff, the claim for money damages is severed from the context of the plaintiff, the claim for money damages is severed from the context of the plaintiff, the claim for money damages is severed from the context of the plaintiff, the claim for money damages is severed from the context of the plaintiff, the claim for money damages is severed from the context of the plaintiff, the claim for money damages is severed from the context of the plaintiff, the claim for money damages is severed from the context of the plaintiff, the claim for money damages is severed from the context of the plaintiff, the claim for money damages is severed from the context of the plaintiff, the claim for money damages is severed from the context of the plaintiff, the claim for money damages is severed from the context of the plaintiff, the claim for money damages is severed from the context of the plaintiff, the claim for money damages is severed from the context of the plaintiff, the claim for money damages is severed from the context of the	
Name And Address Of Defendant 2	
7. costs of this action are taxed to the plaintiff. defendant(s If the magistrate finds in favor of the plaintiff, the defendant appeals the judgment, and a stay of execution is entered, the clerk of superior court is required to comply with the provisions in G.S. 42-34(e) or (g) for release of rental payments within five (5) business days of receiving a written request from the plaintiff.	
County Telephone No. Rate Of Rent (Tenant's Share) Mo. S Per Wik. \$ Judgment Announced And Signed In Open Court	
Name And Address Of Plaintiff's Attorney Amount Of Other Damages \$ Date Signature Of Magistrate	
TOTAL AMOUNT \$ Name Of Party Announcing Appeal In Open Court	
CERTIFICATION	
Name And Address Of Defendant's Attorney (NOTE: To be used when magistrate does not announce and sign this Judgment in open court at the conclusion of the trial.) Locrtify that this Judgment has been served on each party named by depositing a copy in a post-paid properly addressed envelope in a post office or official depository under the exclusive care and custody of the United States Postal Service. Date Signature Of Magistrate	
AOC-CVM-401, Rev. 11/24 AOC-CVM-401, Rev. 11/24 B 20/24 Administrative Office of the Courts	



File No.	Abstract No.	STATE OF NORTH CAROLINA
Scan No.	Judgment Docket Book And Page	In The General Court Of Justice County District Court Division - Small Claims
		This action was tried before the undersigned on the cause stated in the complaint. Except as may be indicated below, the record shows that the defendant(s) was given proper notice of the nature of the action and the date, time and location of trial.
	JDGMENT	FINDINGS
1	CTION FOR	The Court finds that:
	RY EJECTMENT	1. a. Defendant 1 was was not present, and was served personally (Rule 4) by posting. was not served. b. Defendant 2 was was not present, and was served personally (Rule 4) by posting. was not served.
	G.S. 7A-210(2), 7A-224;	
Name And Address Of Plainti	ff	3. a. there is not dispute as to the amount of rent in arrears, and the amount of rent in arrears. The
		\$ and this amount is the undisputed 4. other:
County	Telephone No.	• Did Plaintiff prove the case by the
		ORDER DIG FIGURE PROPERTY OF THE CASE BY THE
	VERSUS	It is ORDERED that:
Name And Address Of Defen	dant 1	TIS GROBERED trait: 1. the defendant(s) be removed from and the plaintiff be put in posses greater weight of the evidence or
		2. this action be distinssed with prejudits because the defendant(s) te
		4. the plaintiff recover rent of the defendant(s) in the amount and at the plaintiff is also entitled to interest on the tital principal sum from this d
County	Telephone No.	5. at the request of the plaintiff, the claim for motivey damages is severed fi
Journa	Telephone 110.	 Did Plaintiff move for a judgment
Name And Address Of Defend	dant 2	
		7. costs of this action are taxed to the plaintiff. defendant(s
		If the magistrate finds in favor of the provisions in G.S. 42-34(e) of superior court is required to comply with the provisions in G.S. 42-34(e) of superior court is required to comply with the provisions in G.S. 42-34(e) of superior court is required to comply with the provisions in G.S. 42-34(e) of superior court is required to comply with the provisions in G.S. 42-34(e) of superior court is required to comply with the provisions in G.S. 42-34(e) of superior court is required to comply with the provisions in G.S. 42-34(e) of superior court is required to comply with the provisions in G.S. 42-34(e) of superior court is required to comply with the provisions in G.S. 42-34(e) of superior court is required to comply with the provisions in G.S. 42-34(e) of superior court is required to comply with the provisions in G.S. 42-34(e) of superior court is required to comply with the provisions in G.S. 42-34(e) of superior court is required to comply with the provisions in G.S. 42-34(e) of superior court is required to comply with the provisions in G.S. 42-34(e) of superior court is required to comply with the provisions in G.S. 42-34(e) of superior court is required to comply with the provisions in G.S. 42-34(e) of superior court is required to comply with the provisions in G.S. 42-34(e) of superior court is required to comply with the provisions in G.S. 42-34(e) of superior court is required to comply with the provisions in G.S. 42-34(e) of superior court is required to comply with the provisions in G.S. 42-34(e) of superior court is required to comply with the provision of the G.S. 42-34(e) of superior court is required to comply with the provision of the G.S. 42-34(e) of superior court is required to comply with the provision of the G.S. 42-34(e) of superior court is required to comply with the complex of the G.S. 42-34(e) of superior court is required to comply with the court is required to complex of the G.S. 42-34(e) of superior court is required to complex of the G.S. 42-34(e) of superior court is required to com
		superior court is required to comply with the provisions in G.S. 42-34(e) o of receiving a written required from the plaintiff.
County	Telephone No.	Or receiving a minute request in clini to be plantation. Rate Of Rent (Tenant's Share) Mo Jant Of Rent in Arrears (Owed To Date)
		S Per Wik S
Name And Address Of Plaintiff's Attorney		Amount Of Other Damages \$ Date Signature Of Magistrate
		TOTAL AMOUNT \$ Name Of Party Announcing Appeal In Open Court
		CERTIFICATION
Name And Address Of Defendant's Attorney		(NOTE: To be used when magistrate does not announce and sign this Judgment in open court at the conclusion of the trial.) I certify that this Judgment has been served on each party named by depositing a copy in a post-paid properly addressed envelope in a post office or official depository under the exclusive care and custody of the United States Postal Service.
		Date Signature Of Magistrate
AOC-CVM-401, Rev. 11/2		



File No.	Abstract No.	STATE OF NORTH CAROLINA						
Scan No.	Judgment Docket Book And Page No.	In The General Court Of Justice County District Court Division - Small Claims						
		This action was tried before the undersigned on the cause stated in the complaint. Except as may be indicated below, the record shows that the defendant(s) was given proper notice of the nature of the action and the date, time and location of trial.						
.111	DGMENT	FINDINGS						
IN ACTION FOR SUMMARY EJECTMENT G.S. 7A-210(2), 7A-224; 42-30		The Court finds that: 1. a. Defendant 1						
Name And Address Of Plaintifi	3. a. there is no dispute as to the amount of rent in arrears, and the amount is \$							
County	Telephone No.	ORDER						
	VERSUS	It is ORDERED that:						
Name And Address Of Defendant 1		1. the defendant(s) be revoved from and the plaintiff be put in possess 1. this action be dismissed was prejudice because the defendant(s) ter 2. this action be dismissed was prejudice because the defendant(s) ter 3. this action be dismissed was prejudice because the defendant(s) ter 4. the plaintiff recover rent of the defendant(s) in the amount and at the replaintiff is also entitled to interest on the total principal sum from this of a trequest of the plaintiff, the care from this of a trequest of the plaintiff, the care from this of a trequest of the plaintiff, the care from this of a trequest of the plaintiff, the care from this of a trequest of the plaintiff, the care from this of a trequest of the plaintiff, the care from this of a trequest of the plaintiff, the care from this of a trequest of the plaintiff area of the plaintiff						
Name And Address Of Defend	Telephone No.	• Is there a dispute as to the						
Name And Address Of Defendant 2		□ 7. costs of this action are taxed to the □ Naintiff. □ defendant(s) If the magistrate finds in favor of the plaintiff, the defendant appeals the justifier court is required to comply with the provisions in G.S. 42-34(e) or of receiving a written requests from the plaintiff.						
County	Telephone No.	Rate Of Rent (Tenant's Share) Mo. Arm. Of Rent In Arrears (Oved To Date) is the undisputed amount?						
Name And Address Of Plaintiff's Attorney		Amount Of Other Damages \$ Date TOTAL AMOUNT \$ Nam						
		CERTIFICATION						
Name And Address Of Defendant's Attorney		(NOTE: To be used when magistrate does not announce and sign this Judgment in open court at the conclusion of the trial.) Loctfly that this Judgment has been served on each party named by depositing a copy in a post-paid properly addressed envelope in a post office or official depository under the exclusive care and custody of the United States Postal Service. Date Signature Of Magistrate						



File No.	Abstract No. STATE OF NORTH CAROLINA		
Scan No.	Judgment Docket Book And Page No.	County	In The General Court Of Justice District Court Division - Small Claims
		This action was tried before the undersigned on the cause stated in the complain the defendant(s) was given proper notice of the nature of the action and the date	
	IDGMENT	FINDINGS	
	CTION FOR	The Court finds that:	
	RY EJECTMENT	1. a. Defendant 1 was was not present, and was served present present, and was served present present, and was served present	
SOWINA	XI ESECTIMENT	2. a. the plaintiff has proved the case by the greater weight of the evidence.	Nationally (National) Control of the Source
		b. the plaintiff has failed to prove the case by the greater weight of the evid	
	G.S. 7A-210(2), 7A-224; 42-30		
Name And Address Of Plaintif		a. there is no dispute as to the amount of rent in arrears, and the amount i b. there is an actual dispute as to the amount of rent in arrears. The defen	
		\$, and this amount is the undisputed amount	
		4. other:	
		_	
County	Telephone No.	ORDER	
	VERSUS	It is ORDERED that:	
Name And Address Of Defend	ant 1	1. the defendant(s) be knowed from and the plaintiff be put in possession of 2. this action be dismissed with prejudice.	
		3. this action be dismissed with prejudice.	
		4. the plaintiff recover rent of the defendant(s) in the amount and at the rate list	 Any amendments or other
		5. at the request of the plaintiff, the claim for money damages is severed from the	7 tily difformatification of outlot
County	Telephone No.	6. other: (specify)	motions heard?
Name And Address Of Defend	ant 2	· \	modons neard?
		7. costs of this action are taxed to the plaintiff. defendant(s).	D: 1 D (
		If the magistrate finds in favor of the plaintiff, the defendant appeals the judgmen	 Did Defendant raise a defense?
		superior court is required to comply with the provisions in G.S. 42-34(e) or (g) for of receiving a written request from the plaintiff.	
County	Telephone No.	Rate Of Rent (Tenant's Share) Mo. Amt. Of Rent In Arrays (Owed To Date) \$ per Wk. \$	 In addition to rent, has Plaintiff
Name And Address Of Plaintif	's Attorney	Amount Of Other Damages \$	(1)
		Name Of P	proven other monetary
		TOTAL AMOUNT \$	provon ouror monotary
		CENTIFICATION	damages?
Name And Address Of Defend	ant's Attorney	(NOTE: To be used when magistrate does not announce and sign this Judgment in open of	uailiages:
		I certify that this Judgment has been served on each party named by depositing office or official depository under the exclusive care and custody of the United St	\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\
		Date Signature Of Magistrate	What else?
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Making Conclusions



File No.	Abstract No.	STATE OF NORTH CAROLINA								
Scan No.	Judgment Docket Book And Page No.	In The General Court Of Justice County District Court Division - Small Claims								
		This action was tried before the undersigned on the cause stated in the complaint. Except as may be indicated below, the record shows that the defendant(s) was given proper notice of the nature of the action and the date, time and location of trial.								
	DGMENT	FINDINGS								
IN ACTION FOR SUMMARY EJECTMENT G.S. 7A-210(2), 7A-224; 42-30		The Court finds that: 1. a. Defendant 1								
Name And Address Of Plaintiff		b. there is an actual dispute as to the amount of rent in arrears. The defendant(s) d								
		4. other: S, and this amount is the undisputed amount of rent ls Plaintiff entitled to possession?								
County	Telephone No.	ORDER								
	VERSUS	It is ORDERED that 1 the defendant(s) be removed from and the plaintiff be put in possession of the pren								
Name And Address Of Defendant 1 County Telephone No.		2. this action be dismissed with prejudice. 3. this action be dismissed with prejudice because the defendant(s) tendered the rent due and the court costs of this action. 4. the plaintiff recover rent of the defendant(s) in the amount and at the rate listed below, plus other damages in the amount indicated. The plaintiff is also entitled to interest on the total principal sum from this date until the judgment is paid. 5. at the request of the plaintiff, the claim for money damages is severed from the claim for possession and is not determined by this Judgment.								
		L 6. other: (specify)								
Name And Address Of Defend	ant 2									
		7. costs of this action are taxed to the plaintiff. defendant(s). If the magistrate finds in favor of the plaintiff, the defendant appeals the judgment, and a stay of execution is entered, the clerk of superior court is required to comply with the provisions in G.S. 42-34(e) or (g) for release of rental payments within five (5) business days of receiving a written request from the plaintiff.								
County	Telephone No.	Rate Of Rent (Tenant's Share) Mo. Armt. Of Rent in Arrears (Owed To Date) \$ per Wik. \$ Judgment Announced And Signed In Open Court								
Name And Address Of Plaintiff's Attorney		Amount Of Other Damages \$ Date Signature Of Magistrate								
		TOTAL AMOUNT \$ Name Of Party Announcing Appeal In Open Court								
		CERTIFICATION								
Name And Address Of Defendant's Attorney		(NOTE: To be used when magistrate does not announce and sign this Judgment in open court at the conclusion of the trial.) I certify that this Judgment has been served on each party named by depositing a copy in a post-paid properly addressed envelope in a post office or official depository under the exclusive care and custody of the United States Postal Service.								
		Date Signature Of Magistrate								
AOC-CVM-401, Rev. 11/2										



File No. Abstract No. Scan No. Judgment Docket Book And Page No. JUDGMENT IN ACTION FOR SUMMARY EJECTMENT G.S. 7A-210(2), 7A-224; 42-30 Name And Address Of Plaintiff		The Court finds that: 1. a. Defendant 1 was was not present, and b. Defendant 2 was was not present, and 2. a. the plaintiff has proved the case by the greate/weight b. the plaintiff has failed to prove the case by yie greater.	was served personally (Rule was served personally (Rule of the evidence. weight of the evidence. for possession based on the ple and the amount is \$	case?Did Defendant raise a successful defense?			
		\$, and this amount is the u	ndisputed amount of rent in arro	pars.			
County	Telephone No.		ORDER				
1	VERSUS	It is ORDERED that:					
Name And Address Of Defendant 1 County Telephone No.		The defendant(s) be reffected from and the plaintiff be put in possession of the premises described in the complaint. In this action be dismissed with prejudice. In this action be dismissed with prejudice because the defendant(s) tendered the rent due and the court costs of this action. In the plaintiff recover rent of the defendant(s) in the amount and at the rate listed below, plus other damages in the amount indicated. The plaintiff is also entitled to interest on the total principal sum from this date until the judgment is paid. In the request of the plaintiff, the claim for money damages is severed from the claim for possession and is not determined by this Judgment. In the defendant(s) be referred to the plaintiff, the claim for money damages is severed from the claim for possession and is not determined by this Judgment.					
Name And Address Of Defenda	ant 2	7					
		7. costs of this action are taxed to the plaintiff. d If the magistrate finds in favor of the plaintiff, the defendant app superior court is required to comply with the provisions in G.S. of receiving a written request from the plaintiff.	eals the judgment, and a stay of				
County	Telephone No.	Rate Of Rent (Tenant's Share) Mo. Amt. Of Rent In Arrears (Owed To	Date) Judgment An	nounced And Signed In Open Court			
Name And Address Of Plaintiff's Attorney		Amount Of Other Damages \$	Date	Signature Of Magistrate			
		TOTAL AMOUNT \$	Name Of Party Announcing	Appeal in Open Court			
		CE	RTIFICATION				
Name And Address Of Defende	,	I certify that this Judgment has been served on each party nam	OTE: 70 be used when magistrate does not announce and sign this Judgment in open court at the conclusion of the trial.) artify that this Judgment has been served on each party named by depositing a copy in a post-paid properly addressed envelope in a post ce or official depository under the exclusive care and custody of the United States Postal Service.				
AOC-CVM-401, Rev. 11/24	1						



File No.	Abstract No.	STATE OF NORTH CAL	ROLINA		Γ			
Scan No.	Judgment Docket Book And Page No.		_ County		In The District (
JUDGMENT IN ACTION FOR SUMMARY EJECTMENT G.S. 7A-210(2), 7A-224; 42-30 Name And Address Of Plaintiff County Telephone No. VERSUS Name And Address Of Defendant 1		This action was tried before the undersigned on the cause stated in the complaint. Except as the defendant(s) was given proper notice of the nature of the action and the date, time and lot the defendant(s) was given proper notice of the nature of the action and the date, time and lot the defendant as the defend		y (Rule 4) y (Rule 4) the pleadi claims the t in arrears	 Was the case based on the statutory implied forfeiture failure to pay rent? Did Defendant tender all the rent due + costs of court before judgment? 			
County	Telephone No.	plaintiff is also entitled to interest on th 5. at the request of the plaintiff, the claim f 6. other: (specify)						
Name And Address Of Defendant 2		7. costs of this action are taxed to the if the magistrate finds in favor of the plainti superior court is required to comply with the freceiving a written request from the plain	ff, the defendant appeals the provisions in G.S. 42-34(ne judgment, and a				
County	Telephone No.	Rate Of Rent (Tenant's Share) Mo. Amt. Of Re	☐ Judgme	☐ Judgment Announced And Signed In Open Court				
Name And Address Of Plaintiff's Attorney		Amount Of Other Damages \$		Date	Date Signature Of Magistrate			
		TOTAL AMOUNT \$		Name Of Party Anno	ouncing Appea	al In Open Court		
Name And Address Of Defenda	int's Attornay		CERTIFI					
AOC-CVM-401. Rev. 11/24	,	(NOTE: To be used when magistrate does not announce and sign this Judgment in open court at the conclusion. I certify that this Judgment has been served on each party named by depositing a copy in a post-paroffice or official depository under the exclusive care and custody of the United States Postal Service. Date Signature Of Magistrate			n a post-pai	d properly addre	essed envelope in a post	
AUG-GVM-401, Rev. 11/24								

IN AC SUMMAR	Abstract No. Judgment Docket Book And Page No. DGMENT CTION FOR RY EJECTMENT G.S. 7A-210(2), 7A-224; 42-30	This action was tried before the undersigned on the defendant(s) was given proper notice of the The Court finds that: 1. a. Defendant 1 was was not pre b. Defendant 2 was was not pre court of the court finds that court of the cou	county In the cause stated in the comble nature of the action and the da FINDINGS Essent, and was served seent, and was served to a judgment for possession to fir ent in agrears, and the amount out of the in arrears. The defe	personally (Rule personally (Rule e. e. evidence. based on the ple nt is \$ endant(s) claims	Was Defendant served personally or made an appearance? Did Plaintiff prove the amount of rent owed?		
County	Telephone No.		ORDER				
1	VERSUS	It is ORDERED that:					
Name And Address Of Defendant 1 County Telephone No.		1. the defendant(s) be removed fronfand the plaintiff be put in possession of the premises described in the complaint. 2. this action be dismissed with prejudice. 3. this action be dismissed with prejudice because the defendant(s) tendered the rent due and the court costs of this action. 4. the plaintiff recover rent of the defendant(s) in the amount and at the rate listed below, plus other damages in the amount indicated. The plaintiff is also entitled to interest on the total principal sum from this date until the judgment is paid. 5. at the request of the plaintiff, the claim for money damages is severed from the claim for possession and is not determined by this Judgment. 6. other: (specify)					
		G. Galai. (appeally)					
Name And Address Of Defende	ant 2	7. costs of this action are taxed to the If the magistrate finds in favor of the plaintiff, th superior court is required to comply with the prof receiving a written request from the plaintiff.	e defendant appeals the judgme				
County	Telephone No.	Rate Of Rent (Tenant's Share) Mo. Amt. Of Rent In	Arrears (Owed To Date)	Judgment Announced A	And Signed In Open Court		
Name And Address Of Plaintiff's Attorney		Amount Of Other Damages \$	Date	Signature Of I	f Magistrate		
		TOTAL AMOUNT \$	Name Of	f Party Announcing Appeal In Op)pen Court		
			CERTIFICATIO	N			
Name And Address Of Defendant's Attorney		(NOTE: To be used when magistrate does not annou I certify that this Judgment has been served on office or official depository under the exclusive of Date Signature Of Magistrate	each party named by depositing	ig a copy in a post-paid prop			
AOC-CVM-401, Rev. 11/24							



JUDG IN ACTI	Abstract No. Igment Docket Book And Page No. GMENT ION FOR EJECTMENT G.S. 7A-210(2), 7A-224; 42-30	STATE OF NORTH CAROLII COU This action was tried before the undersigned on the the defendant(s) was given proper notice of the natural of the defendant 1 was was not present, b. Defendant 2 was was not present, b. Defendant 2 was was not present, c. the plaintiff has failed to prove the case by the gree b. the plaintiff requested and was entitled to a s. a. there is no dispute as to the amount of rent b. there is an actual dispute as to the amount of the s. and this appoint of the country of th	ause stated in the of the action all refined and set a	ne copplaint. Exce nd the date, time a third served personall evidence. to fit he evidence. essession based on the amount is \$	nd loca y (Rule y (Rule the ple	Did De the cas Did Pla money	se? aintiff req	fail to appour uest that to severed	he
County	rerepriorie No.		ORI	DER					
VEF	RSUS	It is ORDERED that:							
Name And Address Of Defendant 1 County Name And Address Of Defendant 2	Telephone No.	1. the defendant(s) be removed to m and the plai 2. this action be dismissed with prejudice. 3. this action be dismissed with prejudice becaus 4. the plaintiff recover rent of the defendant(s) in the plaintiff is also entitled in interest on the total pri 5. at the request of the paintiff, the claim for money 6. other: (specify)	e the defendant(: ne amount and at ncipal sum from t	s) tendered the ren the rate listed belo this date until the ju	nt due a w, plus other damages dgment is paid.				
		7		4(-)					
	1	☐ 7. costs of this action are taxed to the ☐ plain if the magistrate finds in favor of the plaintiff, the defi superior court is required to comply with the provisio of receiving a written request from the plaintiff.	endant appeals to ns in G.S. 42-34	he judgment, and a					
County	Telephone No.	Rate Of Rent (Tenant's Share) Mo. Amt. Of Rent in Arrea per Wk. \$	rs (Owed To Date)	☐ Judgme	ent Announced And	Signed In Open Court			
Name And Address Of Plaintiff's Att	torney	Amount Of Other Damages \$		Date	Signature Of Magi	strate			
		TOTAL AMOUNT \$		Name Of Party Annu	ouncing Appeal In Open (Court			
			CERTIF	ICATION					
Name And Address Of Defendant's Attorney ACC-CVM-401 Rev. 11/24		(NOTE: To be used when magistrate does not announce a I certify that this Judgment has been served on each office or official depository under the exclusive care s Date Signature Of Magistrate	party named by	depositing a copy i	in a post-paid properly				



File No.	Abstract No.	STATE OF NORTH CARC	LINA			☐ the pla	intiff recove	er
Scan No.	Judgment Docket Book And Page No.	(County		In T Distric	•	ssion of the	
		This action was tried before the undersigned or the defendant(s) was given proper notice of the		complaint. Excel d the date, time a		•		•
IN A	UDGMENT ACTION FOR	The Court finds that: 1. a. Defendant 1waswas notpre	esent, and was ser	NGS rved □ personali		proper	ty describe	d in the
SUMMA	RY EJECTMENT	b. Defendant 2 was was not pre 2. a. the plaintiff has proved the case by the b. the plaintiff has failed to prove the case	e or eater weight of the e	of the evidence.		compla	aint.	
Name And Address Of Plaint	G.S. 7A-210(2), 7A-224; 42-30	c. the plaintiff requested and was entired a. la there is no dispute as to the arrount or b. there is an actual dispute as to the arround		e amount is \$	_	□ the pla	intiff recove	er
		4. other: \$, and this	amount is the undisput	ted amount of rent	it in arre	posses	ssion of the	personal
County	Telephone No.		ORD	ER		proper	ty listed be	low.
	VERSUS	It is ORDERED that:				p. opo.	ty noted be	
Name And Address Of Defendant 1		1. the defendant(s) be removed from and the plaintiff be put in possession of the premises of 2. this action be dismissed with prejudice. 3. this action be dismissed with prejudice because the defendant(s) it endered the rent due at the plaintiff recover rent of the defendant(s) in the amount and at the rate listed below, plus other damages in the amount indicated. The plaintiff is also entitled to interest on the total principal sum from this date until the judgment is paid. 5. at the request of the plaintiff, the claim for money damages is severed from the claim for possession and is not determined by this Judgment.						
County	Telephone No.	6. other: (specify)						
Name And Address Of Defen	ndant 2							
		7. costs of this action are taxed to the plaintiff. defendant(s). If the magistrate finds in favor of the plaintiff, the defendant appeals the judgment, and a stay of execution is entered, the clerk of superior court is required to comply with the provisions in G.S. 42-34(e) or (g) for release of rental payments within five (5) business days of receiving a written request from the plaintiff.						
County	Telephone No.	Rate Of Rent (Tenant's Share) Mo. Amt. Of Rent In per Wk. \$	Arrears (Owed To Date)	Judgme	ent Annou	ounced And Signed In Open Court		
Name And Address Of Plaintiff's Attorney		Amount Of Other Damages \$		Date	Sign	nature Of Magistrate		
		TOTAL AMOUNT \$		Name Of Party Anno	ouncing App	peal In Open Court		
			CERTIFIC	CATION				
Name And Address Of Defendant's Attorney		(NOTE: 70 be used when magistrate does not announce and sign this Judgment in open court at the conclusion of the trial.) L certify that this Judgment has been served on each party named by depositing a copy in a post-paid properly addressed envelope in a post office or official depository under the exclusive care and custody of the United States Postal Service. Date Signature of Medistrate						
A00 0) #1 101 P	0.4	Syramo of magistrate						
AOC-CVM-401, Rev. 11/	24							



File No.	Abstract No.	STATE OF NORTH CAROLINA				
Scan No.	Judgment Docket Book And Page No.	County	In The General Court Of Justice County District Court Division - Small Claims			
		This action was tried before the undersigned on the cause stated in the defendant(s) was given proper notice of the nature of the action	ed in the complaint. Except as may be indicated below, the record shows that ction and the date, time and location of trial			
JUDGMENT IN ACTION FOR SUMMARY EJECTMENT G.S. 7A-210(2), 7A-224; 42-30 Name And Address Of Plaintiff County Telephone No. VERSUS Name And Address Of Defendant 1		The Court finds that: 1. a. Defendant 1 was was not present, and was b. Defendant 2 was was not present, and was b. Defendant 2 was was not present, and was b. Defendant 2 was was not present, and was b. Defendant 2 was was not present, and was c. Defendant 2 was was not present, and was was	Is the monetary judgment against fewer than all Defendants? Is the rent abated for violations of the RRAA? In possession of the product and at the rate listed be			
County	Telephone No.	5. at the request of the plaintiff, the claim for money damages is set 6. other: (specify)	address?			
Name And Address Of Defendant 2		7. costs of this action are taxed to the plaintiff. defer If the magistrate finds in favor of the plaintiff, the defendant appeals superior court is required to comply with the provisions in G.S. 42-3 of receiving a written request from the plaintiff.				
County	Telephone No.	Rate Of Rent (Tenant's Share) Mo. Amt. Of Rent In Arrears (Owed To Dai	□ Judgment Announced And Signed In Open Court			
Name And Address Of Plaintiff's Attorney		Amount Of Other Damages \$	Date Signature Of Magistrate			
		TOTAL AMOUNT \$	Name Of Party Announcing Appeal In Open Court			
		CERT	RTIFICATION			
Name And Address Of Defendant's Attorney		(NOTE: To be used when magistrate does not announce and sign this Judg I certify that this Judgment has been served on each party named to office or official depository under the exclusive care and custody of Date Signature Of Magistrate	ned by depositing a copy in a post-paid properly addressed envelope in a post			
AOC-CVM-401, Rev. 11						



File No.	Abstract No.	STATE OF NORTH CAROLINA				
Scan No.	Judgment Docket Book And Page No.	In The General Court Of Justice County District Court Division - Small Claims				
JUDGMENT IN ACTION FOR SUMMARY EJECTMENT G.S. 7A-210(2), 7A-224; 42-30 Name And Address Of Plaintiff County Telephone No. VERSUS Name And Address Of Defendant 1 County Telephone No.		This action was tried before the undersigned on the cause stated in the complaint. Except as may be indicated below, the record shows that the defendant(s) was given proper notice of the action and the date, time and location of trial. The Court finds that:				
Name And Address Of Defen County Name And Address Of Plaint Name And Address Of Defen	Telephone No.	T. costs of this				
AOC-CVM-401 Rev 11/24		Date Signature Of Magistrate				



File No.	Abstract No.	STATE OF NORTH CAROLINA					
Scan No. J	ludgment Docket Book And Page No.	In The General Court Of Justice County District Court Division - Small Claims					
		This action was tried before the undersigned on the cause stated in the the defendant(s) was given proper notice of the nature of the action as	n the complaint. Except as may be indicated below, the record shows that n and the date, time and location of trial				
JUDGMENT IN ACTION FOR SUMMARY EJECTMENT G.S. 7A-210(2), 7A-224; 42-30 Name And Address Of Plaintiff County Telephone No. VERSUS		The Court finds that: 1. a. Defendant 1 was was not present, and was so b. Defendant 2 was was not present, and was so considered was	 Rate of rent necessary for undertaking on appeal Rent through date of judgment Rent defendant sputed amount of re Rent amount of re Any damages other than rent 				
Name And Address Of Defendant 1 County Telephone No.		the definating be reintive into and the parish be put in position. this action be dismissed with prejudice. this action be dismissed with prejudice because the defendant(s) in the amount and at plaintiff salso entitled to interest on the total principal sum from the control of the plaintiff, the claim for name amount and at plaintiff is also entitled to interest on the total principal sum from the control of the plaintiff, the claim for namey damages is severed. the control of the plaintiff, the claim for namey damages is severed.	• Total amount of principal on the rate listed be on this date until the				
Name And Address Of Defendant	12	G. Sulei. (specify)					
		of receiving a written request from the plaintiff.	Is the judgment, and a stay of execution is entered, the clerk of 34(e) or (g) for release of rental payments within five (5) business days				
County	Telephone No.	Rate Of Rent (Tenant's Share) Mo. Aft. Of Rent In Arrears (Owed To Date) \$ Per Wk. 6	☐ Judgment Announced And Signed In Open Court				
Name And Address Of Plaintiff's Attorney		Amount Of Other Damages \$	Date Signature Of Magistrate				
		TOTAL AMOUNT \$	Name Of Party Announcing Appeal in Open Court				
		CERTIFI	TFICATION				
Name And Address Of Defendant	t's Attorney	(NOTE: To be used when magistrate does not announce and sign this Judgment I certify that this Judgment has been served on each party named by office or official depository under the exclusive care and custody of the Date Signature Of Magistrate	by depositing a copy in a post-paid properly addressed envelope in a post				



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File No.	Abstract No.	STATE OF NORTH CAROLINA					
Scan No. J	ludgment Docket Book And Page No.	In The General Court Of Justice County District Court Division - Small Claims					
		This action was tried before the undersigned on the cause stated in the the defendant(s) was given proper notice of the nature of the action as	n the complaint. Except as may be indicated below, the record shows that n and the date, time and location of trial				
JUDGMENT IN ACTION FOR SUMMARY EJECTMENT G.S. 7A-210(2), 7A-224; 42-30 Name And Address Of Plaintiff County Telephone No. VERSUS		The Court finds that: 1. a. Defendant 1 was was not present, and was so b. Defendant 2 was was not present, and was so considered was	 Rate of rent necessary for undertaking on appeal Rent through date of judgment Rent defendant sputed amount of re Rent amount of re Any damages other than rent 				
Name And Address Of Defendant 1 County Telephone No.		the definating be reintive into and the parish be put in position. this action be dismissed with prejudice. this action be dismissed with prejudice because the defendant(s) in the amount and at plaintiff salso entitled to interest on the total principal sum from the control of the plaintiff, the claim for name amount and at plaintiff is also entitled to interest on the total principal sum from the control of the plaintiff, the claim for namey damages is severed. the control of the plaintiff, the claim for namey damages is severed.	• Total amount of principal on the rate listed be on this date until the				
Name And Address Of Defendant	12	G. Sulei. (specify)					
		of receiving a written request from the plaintiff.	Is the judgment, and a stay of execution is entered, the clerk of 34(e) or (g) for release of rental payments within five (5) business days				
County	Telephone No.	Rate Of Rent (Tenant's Share) Mo. Aft. Of Rent In Arrears (Owed To Date) \$ Per Wk. 6	☐ Judgment Announced And Signed In Open Court				
Name And Address Of Plaintiff's Attorney		Amount Of Other Damages \$	Date Signature Of Magistrate				
		TOTAL AMOUNT \$	Name Of Party Announcing Appeal in Open Court				
		CERTIFI	TFICATION				
Name And Address Of Defendant	t's Attorney	(NOTE: To be used when magistrate does not announce and sign this Judgment I certify that this Judgment has been served on each party named by office or official depository under the exclusive care and custody of the Date Signature Of Magistrate	by depositing a copy in a post-paid properly addressed envelope in a post				



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File No.	Abstract No.	STATE OF N	ORTH CAROLIN	Α						
Scan No.	Judgment Docket Book And Page No.		Coun	ty						
JUDGMENT IN ACTION FOR SUMMARY EJECTMENT G.S. 7A-210(2), 7A-224; 42-30 Name And Address Of Plaintiff		The Court finds that: 1. a. Defendant 1	was not present, a proved the case by the great failed to prove the case by the uested and was entitled to a juute as to the amount of rent in all dispute as to the amount of	of the action and the FINDINGS and was served was served ar weight of the evide e greater weight of th ddgment for possession arrears, and the ame	persona persona persona persona nce. e evidence on based on ount is \$ defendan (s)	•	anno	rt	nd	signed in open
County	Telephone No.			ORDER	-H					
VERSUS		It is ORDERED that:								
Name And Address Of Defendant 1 County Telephone No.		1. the defendant(s) be removed from and the plaintiff be put in possession of the premises described in the complaint. 2. this action be dismissed with prejudice. 3. this action be dismissed with prejudice because the defendant(s) tendered the rent due and the court costs of this action. 4. the plaintiff recover rent of the defendant(s) in the amount and at the rate lifted below, plus other damages in the amount indicated. The plaintiff is also entitle to interest on the total principal sum from this date phil the judgment is paid. 5. at the request of the plaintiff, the claim for money damages is severed from the claim for possession and is not determined by this Judgment. 6. other: (specify)								
Name And Address Of Defend	lant 2	If the magistrate finds in	are taxed to the plaintiff favor of the plaintiff, the defer it to comply with the provisions uest from the plaintiff.	ndant appeals the jud						
County	Telephone No.	Rate Of Rent (Tenant's Share pe	Mo. Amt. Of Rent In Arrears Wk. \$	(Owed To Date)	Judgme	ent Announce	d And Signed In	Open Court		
Name And Address Of Plaintiff's Attorney		Amount Of Other Da	mages \$	Date	Of Party Anno	Signature	Of Magistrate			
		TOTAL AMOUNT	\$			Juncing Appear in	open court			
				CERTIFICAT	ION					
Name And Address Of Defendant's Attorney		I certify that this Judgme office or official deposito	nagistrate does not announce and nt has been served on each p y under the exclusive care an	arty named by depos	iting a copy in	n a post-paid p		envelope in a post		
		Date Signature Of Magistrate								
AOC-CVM-401, Rev. 11/2										



File No.	Abstract No.	STATE OF NORTH CAROLINA
Scan No.	Judgment Docket Book And Page No.	In The General Court Of Justice County District Court Division - Small Claims
		This action was tried before the undersigned on the cause stated in the complaint. Except as may the defendant(s) was given proper notice of the nature of the action and the date, time and location
JUDGMENT		FINDINGS
IN ACTION FOR		The Court finds that: 1. a. Defendant 1 was was not present, and was served personally (Rule 4)
	ARY EJECTMENT	b. Defendant 2 was was not present, and was served personally (Rule 4)
G.S. 7A-210(2), 7A-224: 42-30		2. a. the plaintiff has proved the case by the greater weight of the evidence. b. the plaintiff has failed to prove the case by the greater weight of the evidence. c. the plaintiff pagested and was entitled to a judgment for possession based on the plead
Name And Address Of Plaintiff		a. there is no dispute as to the amount of rent in arrears, and the amount is \$
		with the clerk of court
County	Telephone No.	111111111111111111111111111111111111111
		ORDER
	VERSUS	It is ORDERED that:
Name And Address Of Defer	ndant 1	1. the defendant(s) be removed from and the plaintiff be put in possession of the premises des 2. this action be dismissed with prejudice.
		3. this action be dismissed with prejudice because the defendant(s) tendered the rent du and 4. the plaintiff recover rent of the defendant(s) in the amount and at the rate listed below, pils ott plaintiff is also entitled to interest on the total principal sum from this date until the judgment is
County	Telephone No.	5. at the request of the plaintiff, the claim for money damages is severed from the claim for pissess
County	Telephone No.	6. other: (specify)
Name And Address Of Defer	ndant 2	
		7. costs of this action are taxed to the plaintiff. defendant(s).
		If the magistrate finds in favor of the plaintiff, the defendant appeals the judgment, and a stay of execution is entered, the clerk of superior court is required to comply with the provisions in G.S. 42-34(e) or (g) for release of rental payments within five (5) business days of receiving a written request from the plaintiff.
County	Telephone No.	Rate Of Rent (Tenant's Share) Mo. Amt. Of Rent in Arrears (Owed To Date) \$ per Wk. \$ Judgm Int Announced And Signed In Open Court
Name And Address Of Plaintiff's Attorney		Amount Of Other Damages \$ Date Signature Of Magistrate
		TOTAL AMOUNT \$ Name Of Party Anniuncing Appeal In Open Court
		CERTIFICATION
Name And Address Of Defendant's Attorney		(NOTE: To be used when magistrate does not announce and sign this Judgment in open court at the conclusion of the trial.) I certify that this Judgment has been served on each party named by depositing a copy in a post-paid properly addressed envelope in a post- office or official depository under the exclusive care and custody of the United States Postal Service.
		Date Signature Of Magistrate
AOC-CVM-401, Rev. 11/		



Three
Pivotal
Points in the
Life of a
Judgment



Rendition v. Entry

Rendition

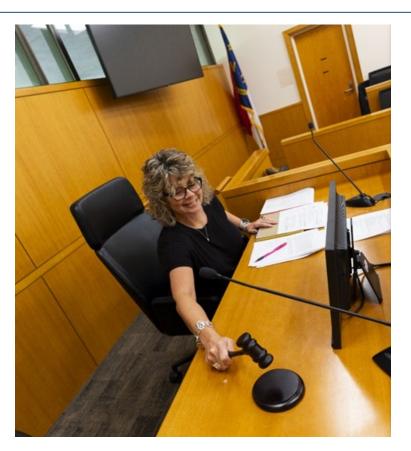
- When? At the close of the evidence unless judgment reserved GS 7A-222
- What? In writing and signed by the magistrate or electronically GS 7A-224

Entry

- When? As soon as practicable after rendition GS 7A-224
- What? Reduced to writing, signed by the judge, filed with the clerk GS 1A-1, Rule 58

Rendition v. Entry

Rendition



Entry



Impacts of Rendition & Entry

Rendition

- A judgment of the district court GS 7A-224
- Starts 10 days for filing notice of appeal/affidavit of indigency GS 7A-228
- Starts 10 or 20 days for payment of costs and 20 days for ruling on indigency GS 7A-228

Entry

 Before October 1, 2025, entry of judgment triggered time periods in GS 7A-228

Service

- Magistrate's judgments announced and signed in open court at conclusion of trial = served
- Magistrate's judgments not announced and signed in open court at conclusion of trial ≠ served

Before you announce your judgment

1. You determine the legal rule and its elements

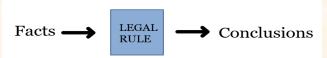
- What law applies?
 - What is my authority?
 - Does the law provide the remedy plaintiff seeks?
- What are the elements of the legal rule? What does the plaintiff need to prove?

2. You find the facts

What is the evidence? What facts do I find?

3. You apply the law to the facts of the case

How does the law apply to those findings? What is my conclusion?

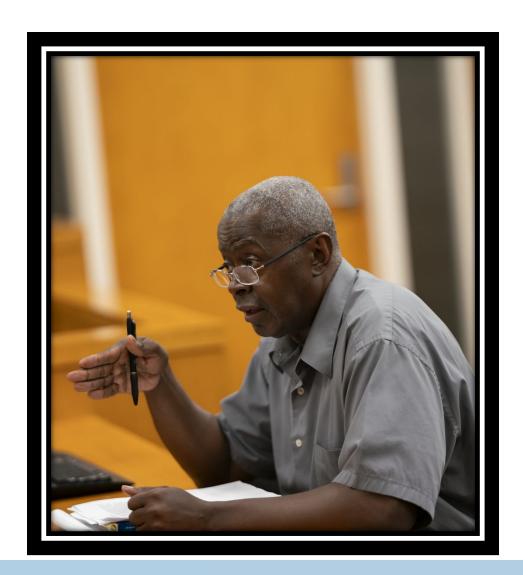


• What will I order? Is my order supported by my findings/conclusions?

FRIENDLY REMINDERS!

The order/judgment belongs to **you**, and you are responsible for the contents.

Your judgment is not served in open court until it is *signed* and announced.





QUESTIONS?

Melanie Crenshaw mcrenshaw@sog.unc.edu (919) 962-2761

