

TRO (Temporary Restraining Order)/Motion for Relief from Judgment

Instructions

General Instructions

Packet contains:

1. Instruction sheet
2. Document 1 (Motion – 2 pages)
3. Document 2 (Notice – 1 page)

Complete paperwork as stated below – In the order stated

Document 1 (Motion - 2 pages)

Complete form with as much detail as possible

Attach any and all evidence/documents to support the information you put on the form

Form MUST be notarized

Notary Public locations:

1. Self-serve center (3rd floor of the courthouse, room 3350 – open every day till noon)
2. Register of Deeds (720 East Fourth Street, Charlotte – May have a fee)
3. Any Bank (may have a fee)

Make 2 complete copies of Document 1 (2 pages and all attachments)

Bring all (1 original and 2 complete copies) to JUDGMENTS window (3rd floor Civil Department, room 3725) for clerk to stamp

Document 2 (Notice - 1 page) – this form carries a fee of \$20

To be completed after Document 1 is complete and file stamped by the clerk at the JUDGMENTS window

Obtain a date and time from the clerk at the JUDGMENTS window

Fill in Document 2 with the information given and complete the rest of the form

Make 2 copies of Document 2 (1 page)

Bring all (1 original and 2 copies) to JUDGMENTS window for the clerk to file stamp

Service to Other Party

MUST be served on the other Party

Service can include: fax, email, phone, or hand delivery, of all documents:

1. Document 1 (2 pages and all attachments)
2. Document 2 (1 page)

If the other Party has an attorney, that attorney MUST be served as stated above

STATE OF NORTH CAROLINA
MECKLENBURG COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT

CASE #

(Plaintiff's Name)

vs.

MOTION FOR RELIEF FROM
JUDGMENT, TEMPORARY
RESTRAINING ORDER &
PRELIMINARY INJUNCTION

(Defendant's Name)

Now comes the [] Defendant [] Plaintiff (Check One) in the above action who moves the Court for a [] Motion for Relief from Judgment [] Temporary Restraining Order or Preliminary Injunction, (Check One) and in support thereof, shows unto the Court the following:

1. State what action/actions you wish to be stopped (use as much detail as possible)

2. State the legal reason you have as to why the Court should enter an order stopping the action/actions stated above.

3. If the court does not stop this action now, state what will happen to you that cannot be fixed later with money from the opposing party(s) :

4. State what efforts you took to try to stop the action/actions stated above, and state the opposing party's response to your efforts.

(efforts) _____

(response) _____

DATE: _____

(YOUR SIGNATURE)

STATE OF NORTH CAROLINA
MECKLENBURG COUNTY

VERIFICATION

PERSONALLY APPEARED before me, _____, who
(print your name here)

being duly sworn, deposes and says: That he/she has read the foregoing Motion and that all matters and things contained therein are true of his/her knowledge, saving and excepting those matters which are based upon information and belief, and as to those matters, he/she verily believes them to be true.

SIGNATURE (signed in front of Notary Public)

SWORN TO AND SUBSCRIBED before me

this the _____ day of _____, 20____.

Notary Public

My Commission Expires: _____

STATE OF NORTH CAROLINA
MECKLENBURG COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT
CASE #

(Plaintiff's Name)

vs.

TEMPORARY RESTRAINING
ORDER STAYING _____

(Defendant's Name)

This matter came on [] Plaintiff's [] Defendant's Motion for Temporary Restraining Order & Preliminary Injunction. After Hearing the Court makes the following conclusions of law and final order:

FINDINGS OF FACT

CONCLUSIONS OF LAW

ORDER

1. [] The Temporary Restraining Order is hereby GRANTED staying _____

AND

The [] Plaintiff, [] Defendant shall post a bond of \$ _____ pending further orders of this Court.

THE WRIT MAY BE EXECUTED DESPITE THIS ORDER, IF PARTY FAILS TO POST THE BOND AMOUNT LISTED

AND

The Parties shall appear before this Court, in courtroom 6330, on the _____ day of _____, 20__ at _____ am/pm.

OR

2. [] The Motion for Temporary Restraining Order & Preliminary Injunction is hereby DENIED.

DATE: _____ TIME: _____

District Court Judge

STATE OF NORTH CAROLINA
MECKLENBURG COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT

CASE #

(Plaintiff's Name)

vs.

NOTICE OF MOTION FOR
RELIEF FROM JUDGMENT [],
TEMPORARY RESTRAINING ORDER []
OR PRELIMINARY INJUNCTION []

(Defendant's Name)

Please take notice that the [] Plaintiff's [] Defendant's (check one) motion for Relief from Judgment, Temporary, Restraining Order or Preliminary Injunction will be before the Court on _____, 20____, in Courtroom 6330, at _____ am/pm or as soon thereafter as the Court can hear it.

This the _____ day of _____ 20____.

(Sign Name)

(Print Name)

(Identify Yourself as either Plaintiff or Defendant)

(Your Address)

(Your Phone Number)

CERTIFICATE OF SERVICE

This is to certify that the above notice was sent to the person identified below by Depositing in official US Mail Depository, First Class, Postage Prepaid this date of _____, 20____.

SERVED TO:

Name: _____

Address: _____

Phone Number: _____