
Sample General Order regarding Small Claims Assignments and Magistrates' Authority

Pursuant to G.S. 7A-211 the undersigned judge issues this general order to the Clerk of Superior Court and the magistrates of _____ County regarding the assignment of cases to small claims court within the county.

The undersigned hereby assigns and requests the Clerk to calendar to small claims court those cases which meet all of the following four requirements:

1. The amount in controversy at the time of the filing of the complaint is \$10,000 or less;
2. The plaintiff is seeking monetary damages, recovery of specific personal property, summary ejectment, or any combination of these remedies;
3. The plaintiff requests that the case be assigned to a magistrate¹; and
4. At least one of the defendants is a resident of the county in which the complaint is filed.

Cases filed on small claims complaints but not meeting the criteria set out above are not assigned and should be sent to district court.

In determining whether the amount in controversy is within the allowable limit, the clerk shall apply the following rules:

- In complaints for money owed, the "total amount owed" is the amount in controversy, except if the complaint alleges an unfair trade practice the amount in controversy is triple the total amount owed.
- In summary ejectment cases, the amount in controversy is the "total amount due."
- In actions to recover possession of personal property, the amount in controversy is the "total value of the property to be recovered" plus the "total amount of damages," if any.

Pursuant to G.S. 7A-228 the undersigned judge authorizes all magistrates assigned to hold small claims court to hear motions to set aside an order or judgment entered in small claims court pursuant to G.S. 1A-1, Rule 60(b)(1) and order a new trial before a magistrate.)

Issued the ____ day of _____, 20__.

Chief District Judge, _____ District Court District

1. ¹ The filing of a complaint on a regular AOC-CVM complaint form is a request for assignment to small claims court.