

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
District Court Division

Name And Address Of Petitioner

VERSUS

Name And Address Of Respondent

**MOTION AND NOTICE OF HEARING TO
SET ASIDE
ORDER OF PATERNITY/AFFIDAVIT OF PARENTAGE**

G.S. 49-14(h), 110-132(a1)(a2)

I, the undersigned, request that the court set aside the Order of Paternity Affidavit of Parentage signed on (date) _____ and filed in the _____ County District Court on (date) _____. A copy of the Order of Paternity Affidavit of Parentage is attached.

The Order of Paternity Affidavit of Parentage was entered as the result of fraud duress mutual mistake, or excusable neglect (explain the fraud, duress, mutual mistake, or excusable neglect) _____

Petitioner has reason to believe that genetic tests will establish that the petitioner is not the biological father of the child(ren) named below. (list the name(s) and birth date(s) of the child(ren)) _____

Petitioner is is not ordered to pay child support for the child(ren) named in the Order of Paternity Affidavit of Parentage referenced above.

Date _____ Name Of Petitioner (Type Or Print) _____ Signature Of Petitioner _____

SWORN/AFFIRMED SUBSCRIBED TO BEFORE ME

Date _____ Signature _____ Date _____ Signature Of Petitioner _____

Title Of Person Authorized To Administer Oaths _____ Name Of Petitioner (Type Or Print) _____

Notary _____ Date My Commission Expires _____

SEAL

County Where Notarized

NOTICE OF HEARING

NOTICE TO: *(Name of party(ies) to be served)* _____

You are notified to appear at the date, time and location shown below to answer the above Motion and Notice of Hearing to Set Aside Order of Paternity/Affidavit of Parentage.

<i>Date Of Hearing</i>	<i>Time Of Hearing</i> <input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Location Of Hearing</i>
<i>Date Of Notice</i>	<i>Signature</i>	<input type="checkbox"/> <i>Deputy CSC</i> <input type="checkbox"/> <i>Assistant CSC</i> <input type="checkbox"/> <i>Clerk Of Superior Court</i>

INSTRUCTIONS TO THE PETITIONER:

1. A copy of the Order of Paternity or Affidavit of Parentage **MUST** be attached to this Motion and Notice of Hearing.
2. After receiving a hearing date from the clerk of superior court, **you** must serve a copy of this Motion and a Notice of Hearing on the other party to the Order of Paternity or the person who signed the Affidavit of Parentage. (**Note:** If you serve the Motion and Notice of Hearing by certified mail, you must prepare and file an affidavit of service.)
3. **You** must serve the local child support enforcement agency if the agency has been involved in the establishment of paternity or the payment of child support for the child(ren) named in your motion.
4. **You** will need to appear in court on the date and time provided in the Notice of Hearing.
5. If **you** want the court to consider terminating your obligation to pay child support, you must file AOC-CV-671 (Motion And Notice Of Hearing For Relief From Child Support Obligation Due To Disestablishment Of Paternity).

CERTIFICATE OF SERVICE

I certify that this Motion and Notice Of Hearing was served as follows:

PARTY

<i>Date</i>	<i>Name Of Person Served</i>
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- By depositing a copy of this Motion and Notice enclosed 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, addressed to the person named above at the address shown on reverse.
- By delivering to the person named above a copy of this Motion and Notice.
- By leaving a copy of this Motion and Notice at the dwelling house or usual place of abode of the person named above with a person of suitable age and discretion then residing therein.
- By delivering a copy of this Motion and Notice to the attorney of record for the person named above.
- Other: *(specify)*

<i>Signature</i>	<i>Name Of Person Serving Notice (Type Or Print)</i>	<i>Title</i>
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IV-D AGENCY

<i>Date</i>	<i>Name Of IV-D Agency</i>
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- By depositing a copy of this Motion and Notice enclosed 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, addressed to the county manager, a county commissioner or the clerk to the board of county commissioners named below.

Name, Title And Address Of Person Served

- Other: *(specify)*

<i>Signature</i>	<i>Name Of Person Serving Notice (Type Or Print)</i>	<i>Title</i>
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