

STATE OF NORTH CAROLINA COUNTY OF RANDOLPH	IN THE GENERAL COURT OF JUSTICE DISTRICT COURT DIVISION
Plaintiff:	File: _____ CVD _____
VERSUS	ORDER DISMISSING APPEAL AND REINSTATING THE JUDGMENT OF THE MAGISTRATE
Defendant:	

THIS MATTER came on to be heard before the Honorable undersigned Judge of the General Court of Justice, District Court Division, during the _____, 20____ session of the Civil District Court of Randolph County, North Carolina, pursuant to the Plaintiff's Defendant's Appeal of the Judgment of the Magistrate. The Plaintiff was was not present. The Defendant was was not present.

FROM THE EVIDENCE PRESENTED, THE COURT FINDS THE FOLLOWING FACTS:

1. The Plaintiff Defendant was awarded a judgment on or about _____.
2. The Plaintiff Defendant timely appealed on or about _____.
3. This matter was calendared and noticed for today's hearing.
4. The Plaintiff Defendant failed to appear and prosecute their appeal.

HAVING FOUND THE FOREDOING FACTS, THE COURT MAKES THE FOLLOWING CONCLUSIONS OF LAW:

1. The Civil District Court of Randolph County, North Carolina has proper jurisdiction and is the proper venue for this action.
2. The Parties properly were served with this action and proper notice was given for today's hearing.
3. Local Rule 4.2 provides, "If the party appealing the judgment of the Magistrate in Small Claims Court fails to appear, the appeal shall be dismissed, and the judgment of the magistrate shall be affirmed pursuant to N. C. Gen. Stat. § 7A-228(c)." 19B R. Civ. D. C., Rule 4.2.

NOW, THEREFORE, IT HEREBY IS ORDERED, ADJUDGED, AND DECREED:

1. The Plaintiff's Defendant's Appeal of the Judgment of the Magistrate is DISMISSED;
2. The Judgment of the Magistrate is AFFIRMED; and
3. Any bond being held by the Clerk of Court shall be released to the Plaintiff Defendant.

Entered in open Court, this the ____ day of _____, 20____.

District Court Judge Presiding

CERTIFICATE OF SERVICE

I hereby certify a copy of the foregoing Order has been duly served by depositing a copy thereof in the United States mail, first-class, postage prepaid, addressed to the following, confirmed telefacsimile transmission by 5:00 p.m., electronic mail sent by 5:00 p.m., or personal delivery to the following party or attorney, address, fax number, and/or electronic mail address:

Attorney/Party: _____

Address: _____

City, State, ZIP: _____

Facsimile/Email: _____

Date:	District Court Court Manager
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