

STATE OF NORTH CAROLINA

HARNETT

County

File No.

In The General Court Of Justice
District Court Division

Name of Plaintiff

Carlton A & Flora C. Patton

VERSUS

Name of Defendant

Franklin Trapp

AFFIDAVIT

Servicemembers Civil Relief Act
50 U.S.C. App. §§501-597b

AFFIDAVIT

1. Carlton A & Flora C. Patton being duly sworn, deposes and says:
(print your name)1. ☐ The ☐ Plaintiff ☐ Defendant Franklin Trapp, ☐ is in military service. ☒ is not in military service.
(print name of non-moving party)

The following facts support the statement above about the non-moving party's military service: (State how you know the non-moving party is or is not in the military. Be specific.)

Both Plaintiff and Defendant are former military. Plaintiff retired after 30 yrs service. Defendant was discharged after 3 yrs service2. ☐ The affiant is unable to determine whether or not the non-moving party is in military service.

Signature Of Affiant

Flora Patton Carlton Patton

Name of Affiant

Flora PATTON CARLTON PATTON

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Date

8-10-2020

Signature Of Person Authorized To Administer Oaths

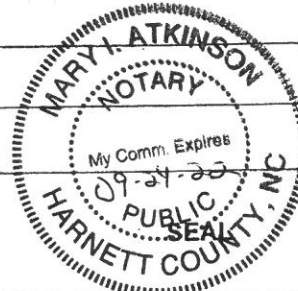
Mary L. Atkinson☐ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court ☒ Notary

Date Commission Expires

09-24-2022

County Where Notarized

Harnett



FOR COURT USE ONLY:

☐ ORDER OF APPOINTMENT OF COUNSEL

The Court finds that appointment of counsel is required pursuant to 50 U.S.C. App. § 521 or 522 and therefore, the Court appoints counsel named below to represent the absent servicemember named above:

Name of Attorney

Name, Street Address, PO Box, City, State And Zip Code Of Attorney

Telephone No.

☐ STAY OF PROCEEDINGS

The Court finds that a stay of proceedings is required pursuant to 50 U.S.C. App. § 521 and, therefore, such a stay, for a minimum period of 90 days, is ordered.

Date

Signature of Judge

Next Hearing Date and Time

Name of Judge (Type or Print)

STATE OF NORTH CAROLINA

County

In The General Court Of Justice
District Court Division - Small ClaimsCOMPLAINT
IN SUMMARY EJECTMENT

G.S. 7A-216, 7A-232; Ch. 42, Arts. 3 and 7

Name And Address Of Plaintiff

Carlton & Flora Patton
63 Mayer Rd.
Cameron, NC 28524

County Telephone No.

Harnett 919-449-6274

VERSUS

Name And Address Of Defendant 1

☐ Individual ☐ CorporationFranklin Trapp
144 Patton Lane
Cameron NC 28524

County Telephone No.

Harnett 919-353-7210

Name And Address Of Defendant 2

☐ Individual ☐ Corporation

N/A

County Telephone No.

Name And Address Of Plaintiff's Attorney Or Agent

N/A

Attorney Bar No.

1. The defendant is a resident of the county named above.

2. The defendant entered into possession of premises described below as a lessee of plaintiff.

Description Of Premises (include location and address)

144 Patton Lane
Private Residence (home)
Defendant has turned it into a junkyard !!! 3 Civil Citations !!!Rate Of Rent (Tenant's Share) ☒ Month ☐ Week Date Rent Due Date Lease Ended Type Of Lease
\$ 550.00 per 1st of month Total ☐ Written3. ☒ The defendant failed to pay the rent due on the above date and the plaintiff made demand for the rent and waited the 10-day grace period before filing the complaint.☐ The lease period ended on the above date and the defendant is holding over after the end of the lease period.☐ The defendant breached the condition of the lease described below for which re-entry is specified.☐ Criminal activity or other activity has occurred in violation of G.S. 42-63 as specified below.

Description Of Breach/Criminal Activity (give names, dates, places and illegal activity)

Defendant does not pay rent, will not move out or clean grounds.

His occupation in landscaping & small engine repair - mowers, weed whackers, engines
plaintiff is entitled to immediate possession. and non-working cars abandoned on property

4. The plaintiff has demanded possession of the premises from the defendant, who has refused to surrender it, and the plaintiff is entitled to immediate possession.

5. The defendant owes the plaintiff the following: in excess of approx. 10 months rent

Description Of Any Property Damage

Plaintiff has not been allowed access to house -
Defendant built and installed an above ground pool - attached to deck
that has rotted and pulled the deck away from house

Amount Of Damage (if known)

\$ 222 \$ 15500.00

Amount Of Rent Past Due

\$ 15500.00

Total Amount Due

\$ 5,500.00 plus damage

6. I demand to be put in possession of the premises and to recover the total amount listed above and daily rental until entry of judgment plus interest and reimbursement for court costs.

Date

8/10/2020 Name Of Plaintiff/Attorney/Agent (type or print)

Carlton A. & Flora E. Patton

Signature Of Plaintiff/Attorney/Agent

Carlton A. Patton

Flora Patton

CERTIFICATION WHEN COMPLAINT SIGNED BY AGENT OF PLAINTIFF

I certify that I am an agent of the plaintiff and have actual knowledge of the facts alleged in this Complaint.

Date

Name Of Agent (type or print)

Signature Of Agent

STATE OF NORTH CAROLINA

File No.

Harnett

County

In The General Court Of Justice
District Court Division - Small Claims

Name And Address Of Plaintiff

Carlton A & Flora C. Patton
63 mayer Rd.
Cameron NC 28326

VERSUS

Name And Address Of Defendant 1

Franklin Trapp
144 Patton Lane
Cameron NC 28326

Name And Address Of Defendant 2

N/A

CARES ACT AFFIDAVIT
(Summary Ejectment)Emergency Directive 18 of the Order of the Chief Justice
of the Supreme Court of North Carolina 30 May 2020;
Coronavirus Aid, Relief, and Economic Security Act
(CARES Act), Pub. L. No. 116-136, § 4024 (2020)

AFFIDAVIT

I, the undersigned, attest the following:

1. I am the (check one) ☒ Plaintiff ☐ authorized agent (or attorney) of the Plaintiff in the instant action.

2. Plaintiff is seeking to recover possession of the following leased premises ("Premises"):

Name of Apartment Community (if any):

Street Address and Unit No. (if any), City, County, State, Zip:

144 Patton Lane
Cameron NC 283263. The Premises ☐ IS ☒ IS NOT a "covered dwelling" as defined by Section 4024(a)(1) of the CARES Act. (A "covered dwelling" means: (1) occupied by a tenant pursuant to (i) a residential lease; or (ii) without a lease or with a lease terminable under State law and (2) is on a covered property. A "covered property" means any property that: (1) participates in (i) a federal covered housing program (as defined in section 41411(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12491(a)) or (ii) the rural housing voucher program under section 542 of the Housing Act of 1949 (42 U.S.C. 1490r); or (2) has a (i) federally backed mortgage loan or (ii) federally backed multifamily mortgage loan.)4. Does the subject property participate in (i) a covered housing program (as defined in section 41411(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12491(a)) or (ii) a rural housing voucher program under section 542 of the Housing Act of 1949 (42 U.S.C. 1490r)? (For example, this includes the Low-Income Housing Tax Credit (LIHTC) or a Section 8 Voucher program.) ☐ Yes ☒ No5. Does the subject property have (i) a federally backed mortgage loan or (ii) a federally backed multifamily mortgage loan? (For example, this includes mortgage loans owned or securitized by Fannie Mae or Freddie Mac and mortgages insured by the Federal Housing Administration (FHA), the Department of Veterans Affairs (VA), the Department of Agriculture (USDA), or the Department of Housing and Urban Development (HUD).) ☐ Yes ☒ No

6. The information relied upon by me in making this attestation is (Please identify any database or other information that you have used to determine that the Premises does not have a federally-backed mortgage loan - for example, any Fannie Mae, Freddie Mac, USDA, VA, or HUD-backed mortgage loan. Be specific.):

owner of property / NO mortgage or loans apply

DECLARATION

IF SIGNED BY AN ATTORNEY FOR PLAINTIFF: In accordance with Rule 11 of the N.C. Rules of Civil Procedure, I have read the statements contained here, and I hereby certify that, to the best of my knowledge, information, and belief formed after reasonable inquiry, that such statements are well-grounded in fact and that they are submitted in good faith and not interposed for any improper purpose.

IF SIGNED BY PLAINTIFF OR NON-ATTORNEY AGENT FOR PLAINTIFF: I hereby declare, under penalty of perjury, that the statements made herein are true and correct to the best of my knowledge.

Date

8/10/2020

Signature Of Declarant

Flora Patton Carlton A Patton

Name And Address Of Declarant

Carlton & Flora Patton
63 mayer Rd.
Cameron NC 28326

STATE OF NORTH CAROLINA

File No.

Harnett

County

In The General Court Of Justice
District Court Division - Small Claims

Plaintiff(s)

Carlton A. & Flora C. Patton
63 Mayer Rd.
Cameron NC 28326

VERSUS

Defendant(s)

Franklin Trapp
144 Patton Lane
Cameron NC 28326

MAGISTRATE SUMMONS

☐ ALIAS AND PLURIES SUMMONS (ASSESS FEE)

G.S. 1A-1, Rule 4; 7A-217, -232

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

TO

TO

Name And Address Of Defendant 1

Name And Address Of Defendant 2

Telephone No. Of Defendant 1

919-353-7210

Telephone No. Of Defendant 2



IMPORTANT! You have been sued! These papers are legal documents, DO NOT throw these papers out!
You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers!

¡IMPORTANTE! ¡Se ha entablado un proceso civil en su contra! Estos papeles son documentos legales.
¡NO TIRE estos papeles!

¡Puede querer consultar con un abogado lo antes posible acerca de su caso y, de ser necesario, hablar con alguien que lea inglés y que pueda traducir estos documentos!

A Small Claim Action Has Been Commenced Against You!

You are notified to appear before the magistrate at the specified date, time, and location of trial listed below. You will have the opportunity at the trial to defend yourself against the claim stated in the attached complaint.

You may file a written answer, making defense to the claim, in the office of the Clerk of Superior Court at any time before the time set for trial.

If you fail to appear and defend against the proof offered, the magistrate may enter a judgment against you.

Date Of Trial

Time Of Trial

☐ AM ☐ PM

Location Of Court

Name And Address Of Plaintiff Or Plaintiff's Attorney

Date Issued

Signature

☐ Deputy CSC

☐ Assistant CSC

☐ Clerk Of Superior Court

Original
(Over)