NORTH CAROLINA		IN THE GENERAL COURT OF JUSTICE DISTRICT COURT DIVISION	
COUNTY	7	CVD	
 V.	Plaintiff,)) COMPLAINT (BREACH OF) CONTRACT, DAMAGES,) SPECIFIC PERFORMANCE,) INTEREST)	
,	Defendant.)	

Plaintiff, complaining of Defendant, says:

1. Plaintiff and Defendant are citizens and residents of _____ County, North Carolina.

- 2. Plaintiff and Defendant are husband and wife, who have lived separate and apart since ______, ____. [Or formerly husband and wife who separated on _______ and divorced on ______.]
- 3. On _____, ___, the parties entered into a valid separation agreement, a copy of which is attached hereto as Exhibit A and incorporated herein by reference.
- 4. The separation agreement has not been incorporated into a judicial decree.
- 5. Under the terms of Paragraph _____ of the agreement, Defendant is to pay Plaintiff \$_____ per month in [child support, alimony].
- 6. Defendant has not paid Plaintiff for the months of _____ and ____, ___ and paid only \$_____.
- 7. Defendant is presently in default in the amount of \$_____ and Plaintiff has been damaged by Defendant's failure to make monthly payments under the terms of the separation agreement.
- 8. Paragraph _____ of the separation agreement provides for payment of reasonable attorney fees in a suit brought to enforce the payments of sums due under the terms of the separation agreement.
- 9. A recovery of damages for payments past due is not an adequate remedy for the ongoing damages Plaintiff suffers by Defendant's failure to make monthly payments. Plaintiff is entitled to decree of specific performance concerning the support provisions of the

separation agreement pursuant to the principles set for in *Moore v. Moore*, 297 N.C. 14 (1979).

10. The sums owed by Defendant to Plaintiff are "sums of money due by contract" under G.S. § 24-5. Defendant is further indebted to Plaintiff for the amount of interest that has accrued on these sums dating from the time first due.

WHEREFORE, Plaintiff prays the court as follows:

- 1. That she be awarded a judgment against defendant in the amount of and any further amount due under the terms of this agreement at the time this action is heard, plus interest pursuant to G.S. § 24-5.
- 2. That Defendant be ordered to specifically perform the ongoing support terms of the separation agreement and to make payments past due under the agreement at the time this action is heard.
- 3. That she recover reasonable attorney fees pursuant to the terms of the separation agreement.
- 4. That the costs of this action be taxed to the defendant.
- 5. For such other and further relief as to the Court may seem just and proper.

This the _____ day of _____, 20__.

(Name of Firm)

By:_____

Attorney for Plaintiff NC State Bar #_____

_____, North Carolina _____ Telephone: (___) _____

NORTH CAROLINA

VERIFICATION

COUNTY

being first duly sworn, deposes and says that I am the plaintiff in this action; that I have read the foregoing Complaint and that the same is true of my own knowledge except as to those matters and things therein stated upon information and belief, and as to those I believe them to be true.

Plaintiff

Sworn	to and subscrib	ed before me
this	day of	, 20

Notary Public

My commission expires:
