

**STATE OF NORTH CAROLINA**

File No.

\_\_\_\_\_ County

In The General Court Of Justice  
District Court Division

Name Of Plaintiff

**VERSUS**

Name Of Defendant

**MOTION AND NOTICE OF HEARING  
FOR DISPOSAL OF WEAPONS  
SURRENDERED UNDER  
DOMESTIC VIOLENCE PROTECTIVE ORDER**

G.S. 50B-3.1(h)

**MOTION**

1. As required by the Court in the domestic violence protective order entered on (date) \_\_\_\_\_, the following property was surrendered. (Describe firearms, ammunition and gun permits surrendered)

2. The domestic violence protective order expired on (date) \_\_\_\_\_ and has not been renewed.

3. More than 90 days have elapsed since the order expired and the defendant has not filed a motion for return of the property, and the undersigned is not aware of any pending charges, either state or federal, against the defendant, alleged to have been committed against the person who is protected by the domestic violence protective order.

4. More than 90 days have elapsed since the final disposition of criminal charges against the defendant committed against the person who is protected by the domestic violence protective order, and the defendant has not filed a motion for return of property.

5. More than 30 days have elapsed since an order granting the return of the property to the  
 defendant  third-party owner was entered on (date) \_\_\_\_\_ and the  
 defendant  third-party owner has not paid the storage fees for the property.

6. An order was entered by the Court on (date) \_\_\_\_\_ concluding that the defendant is prohibited from regaining possession of the surrendered property, which order did not conclude that the return of the property was denied solely because the defendant has pending criminal charges alleged to have been committed against the person who is protected by the domestic violence protective order.

I request the Court to enter an order authorizing me to dispose of the firearms, ammunition, and gun permits as provided by G.S. 14-269.1.

**NOTICE OF HEARING**

**TO THE DEFENDANT**  **THIRD-PARTY OWNER**

Pursuant to the above motion, a hearing will be held before a district court judge at the date, time and location listed below to determine whether the firearms, ammunition and gun permits surrendered under the domestic violence protective order may be destroyed or given to a law enforcement agency.

Date Of Hearing	Time Of Hearing <input type="checkbox"/> AM <input type="checkbox"/> PM	Location Of Hearing
Date	Name Of Sheriff	
Signature Of Person Filing Motion		

**NOTE TO SHERIFF:**

Before filing this motion ask the clerk to give you a date, time and location for the hearing. Fill that time in on the Notice of Hearing portion of the form and mail a copy first class mail to the defendant. If the motion is being filed because the third-party owner did not pay the storage fees, you must mail a copy to the third-party owner as well as the defendant. Fill out the certification on Side Two and then file the original Motion with the clerk of court.

**CERTIFICATION OF MAILING BY SHERIFF**

I certify that on the date of mailing shown below a copy of this Motion and Notice of Hearing was served on the defendant  and the third-party owner at the address(es) shown below by depositing a copy in a postpaid properly addressed envelope in a post office or official depository under the exclusive care and custody of the United States Postal Service on the date shown below.

*Address Of Defendant*

*Date Of Mailing*

*Date Of Certification*

*Address Of Third-Party Owner (If Applicable)*

*Signature Of Sheriff*