

File No. **12 CVM 19160** Abstract No. **STATE OF NORTH CAROLINA**

Film No. **12181** **Guilford County** In The General Court Of Justice District Court Division-Small Claims

Judgment Docket Book And Page No. This action was tried before the undersigned on the cause stated in the complaint. The record shows that the defendant was given proper notice of the nature of the action and the date, time and location of trial.

**FINDINGS**

**JUDGMENT  
IN ACTION FOR  
SUMMARY EJECTMENT**  
G.S. 7A-210(2), 7A-224; 42-30

The Court finds that:  
 1.  a. the plaintiff has proved the case by the greater weight of the evidence.  
 b. the plaintiff has failed to prove the case by the greater weight of the evidence.  
 c. the plaintiff requested and was entitled to a judgment for possession based on the pleading.  
 2. the defendant(s)  was  was not present at trial.  The defendant was served by posting.  
 3.  a. there is no dispute as to the amount of rent in arrears, and the amount is \$ 2,028.87 .  
 b. there is an actual dispute as to the amount of rent in arrears. The defendant(s) claims the amount of rent in arrears is \$ \_\_\_\_\_, and this amount is the undisputed amount of rent in arrears.  
 4. other:

Name And Address Of Plaintiff  
 Kermit W. Robinson, Jr. &  
 Margaret T. Robinson  
 4703 Long Valley Rd.  
 Greensboro, NC 27410

**ORDER**

Social Security No./Taxpayer ID No.

It is ORDERED that:

County **Guilford** Telephone No. **643-5921**

1. the defendant(s) be removed from and the plaintiff be put in possession of the premises described in the complaint.  
 2. this action be dismissed with prejudice.  
 3. this action be dismissed with prejudice because the defendant tendered the rent due and the court costs of this action.  
 4. the plaintiff recover rent of the defendant(s) in the amount and at the rate listed below, plus other damages in the amount indicated. The plaintiff is also entitled to interest on the total principal sum from this date until the judgment is paid.  
 5. other: (specify)  
 6. Costs of this action are taxed to the  plaintiff.  defendant.

**VERSUS**

Name And Address Of Defendant 1  
 Mark K. Robinson  
 6300 Ridge Haven Dr.  
 Greensboro, NC 27410

County **Guilford** Telephone No. **508-8817**

Name And Address Of Defendant 2  
 Yolanda D. Robinson  
 aka Yolanda d. Hill  
 6300 Ridge Haven Dr.  
 Greensboro, NC 27410

Rate Of Rent  Mo.  Wk. Amt. Of Rent In Arrears (Owed To Date)  
 \$ 950.00 per \$ ----  
 Judgment Announced And Signed In Open Court  
 (Possession Only)  
 Date 12/6/12 Signature Of Magistrate *[Signature]*

County **Guilford** Telephone No. **664-6200**

Amount Of Other Damages \$ ----  
**TOTAL AMOUNT** \$ ----  
 Name Of Party Announcing Appeal in Open Court

**CERTIFICATION**

(NOTE: To be used when magistrate does not announce and sign this Judgment in open court at the conclusion of the trial.)  
 I certify that this Judgment has been served on each party named by depositing a copy 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.

Date \_\_\_\_\_ Signature Of Magistrate \_\_\_\_\_

FILED  
 12 DEC -6 PM 2:12  
 GUILFORD COUNTY

File No.

12CVM19160

### COMPLAINT IN SUMMARY EJECTMENT

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

Name And Address Of Plaintiff

Kermit W Robinson, JR  
MARGARET T Robinson  
4703 Long Valley Rd  
Greensboro NC 27410

County

Guilford

Telephone No.

336 643 5921

**VERSUS**

Name And Address Of Defendant 1

Individual  Corporation

MARK K Robinson  
6300 Ridge Haven DR  
Greensboro NC 27410

County

Guilford

Telephone No.

336 508 8817

Name And Address Of Defendant 2

Individual  Corporation

Yolanda D Robinson  
AKA Yolanda D Hill  
6300 Ridge Haven DR  
Greensboro NC 27410

County

Guilford

Telephone No.

336 667 6200

Name And Address Of Plaintiff's Attorney Or Agent

### STATE OF NORTH CAROLINA

Guilford

County

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

- The defendant is a resident of the county named above.
- The defendant entered into possession of premises described below as a lessee of plaintiff.

Description Of Premises (include Location)

Single Family Residence  
6300 Ridge Haven DR Greensboro NC 27410

Conventional  
 Public Housing  
 Section 8

Rate Of Rent

\$ ~~895~~ 950 per

Month  
 Week

Date Rent Due

10/1/2012

Date Lease Ended

2/29/12

Type Of Lease

Oral  Written

- 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)

- 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.
- The defendant owes the plaintiff the following:

Description Of Any Property Damage

Amount Of Damage (if Known)

\$

Amount Of Rent Past Due

\$ 1875<sup>00</sup>

Total Amount Due

\$ 1875<sup>00</sup>

- 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

11/19/2012

Signature Of Plaintiff/Attorney/Agent

Kermit W Robinson

#### 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

Signature

## INSTRUCTIONS TO PLAINTIFF OR DEFENDANT

1. The PLAINTIFF must file a small claim action in the county where at least one of the defendants resides.
2. The PLAINTIFF cannot sue in small claims court for more than \$5,000.00 excluding interest and costs.
3. The PLAINTIFF must show the complete name and address of the defendant to ensure service on the defendant. If there are two defendants and they reside at different addresses, the plaintiff must include both addresses. The plaintiff must determine if the defendant is a corporation and sue in the complete corporate name. If the business is not a corporation, the plaintiff must determine the owner's name and sue the owner.

The PLAINTIFF may serve the defendant(s) by mailing a copy of the summons and complaint by registered or certified mail, return receipt requested, addressed to the party to be served or by paying the costs to have the sheriff serve the summons and complaint. If certified or registered mail is used, the plaintiff must prepare and file a sworn statement with the Clerk of Superior Court proving service by certified mail and must attach to that statement the postal receipt showing that the letter was accepted.

In filling out number 3 in the complaint, if the landlord is seeking to remove the tenant for failure to pay rent when there is no written lease, the first block should be checked. (Defendant failed to pay the rent due on the above date and the plaintiff made demand for the rent and waited the ten (10) day grace period before filing the complaint.) If the landlord is seeking to remove the tenant for failure to pay rent when there is a written lease with an automatic forfeiture clause, the third block should be checked. (The defendant breached the condition of the lease described below for which re-entry is specified.) And "failure to pay rent" should be placed in the space for description of the breach. If the landlord is seeking to evict tenant for violating some other condition in the lease, the third block should also be checked. If the landlord is claiming that the term of the lease has ended and the tenant refuses to leave, the second block should be checked. If the landlord is claiming that criminal activity occurred, the fourth block should be checked and the conduct must be described in space provided.

6. The PLAINTIFF must pay advance court costs at the time of filing this Complaint. In the event that judgment is rendered in favor of the plaintiff, court costs may be charged against the defendant.
7. The PLAINTIFF must appear before the magistrate to prove his/her claim.
8. The DEFENDANT may file a written answer, making defense to the claim, in the office of the Clerk of Superior Court. This answer should be accompanied by a copy for the plaintiff and be filed no later than the time set for trial. The filing of the answer DOES NOT relieve the defendant of the need to appear before the magistrate to assert the defendant's defense.
9. The PLAINTIFF or the DEFENDANT may appeal the magistrate's decision in this case. To appeal, notice must be given in open court when the judgment is entered, or notice may be given in writing to the Clerk of Superior Court within ten (10) days after the judgment is entered. If notice is given in writing, the appealing party must also serve written notice of appeal on all other parties. The appealing party must PAY to the Clerk of Superior Court the costs of court for appeal within twenty (20) days after the judgment is entered.

H108144 11/19/12 13:53:27  
 PAYOR: ROBINSON, KENNIL W, JR  
 PRICE: PAY BY SALE  
 CASE#: 12CVM019160 VCAP:Y  
 CITIAN:

21320 MAG-CIVIL FEES	77.55
21321 MAG-LV LTA FEES	2.45
24881 JUD TECH & FNL	4.00
22320 CIV PAL FEE ALLV	12.00
TOTAL PAID	96.00
CA TENDERED	100.00
CHANGE	4.00

- If the defendant appeals and wishes to remain on the premises the defendant must also post a stay of execution bond within ten (10) days after the judgment is entered.
10. This form is supplied in order to expedite the handling of small claims. It is designed to cover the most common claims.
  11. The Clerk or magistrate cannot advise you about your case or assist you in completing this form. If you have any questions, you should consult an attorney.

STATE OF NORTH CAROLINA

GUILFORD COUNTY

12 CVM 19160

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

Plaintiff(s):  
Kermit W Robinson Jr  
Margaret T Robinson

**MAGISTRATE SUMMONS**

ALIAS AND PLURIES SUMMONS

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

RECEIVED  
CLERK OF SUPERIOR COURT  
GREENSBORO, NC  
GUILFORD COUNTY  
NOV 19 PM 2:26

**VERSUS**

Defendant(s):  
Mark K Robinson  
Yolanda T Robinson

Date Last Summons Issued:

Date(s) Subsequent Summon(es) Issued:

To: Name And Address of Defendant 1:

MARK K Robinson  
6300 RIDGE HAVEN DR  
GREENSBORO NC 27410

To: Name And Address of Defendant 2:

Yolanda D Robinson  
AKA Yolande D Hill  
6300 RIDGE HAVEN DR  
GREENSBORO, N.C. 27410

**A Small Claims Action Has Been Commenced Against You!**

You are notified to appear before the Small Claims Court 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. Whether or not you file an answer, the plaintiff must prove the claim before the Judge.

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

From: Name and Address of Plaintiff:

Kermit W Robinson Jr  
Margaret T Robinson  
4703 Long Valley Rd  
Greensboro NC 27410

From: Name and Address of Plaintiff's Attorney:

Date of Trial:

12-6-12

Time of Trial:

9:00 A.M.  
 2:00 P.M.

Courtroom Number and Location of Court:

COURTROOM  210  215  
SECOND FLOOR  
GUILFORD COUNTY COURTHOUSE  
201 S. EUGENE ST., GREENSBORO, NC 27401

Date Issued:

NOV 19 2012

Signature:

Deputy CSC  Assistant CSC  Clerk of Superior Court

MAILED

NOV 20 2012

1165255

**RETURN OF SERVICE**

I certify that this Summons and a copy of the complaint were received and served as follows:

**DEFENDANT 1**

Date Served \_\_\_\_\_ Time Served \_\_\_\_\_ Name of Defendant \_\_\_\_\_  
 AM  PM

- By delivering to the defendant named above a copy of the summons and complaint.
- By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.
- As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address of Person With Whom Copy Left (If Corporation, Give Title of Person Copy Left With)

- Other manner of service: (specify)
- Defendant **WAS NOT** served for the following reason:

**DEFENDANT 2**

Date Served \_\_\_\_\_ Time Served \_\_\_\_\_ Name of Defendant \_\_\_\_\_  
 AM  PM

- By delivering to the defendant named above a copy of the summons and complaint.
- By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.
- As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address of Person With Whom Copy Left (If Corporation, Give Title of Person Copy Left With)

- Other manner of service: (specify)
- Defendant **WAS NOT** served for the following reason:

**FOR USE IN SUMMARY EJECTMENT CASES ONLY**

Service was made by mailing by first class mail a copy of the summons and complaint to the defendant(s) and by posting a copy of the summons and complaint at the following premises.

Date Served 11-20-12 1031 Name(s) of the Defendant(s) Served By Posting Mark K Robinson, Yolanda D. Robinson  
 Address of Premises Where Posted 6300 Ridge Haven Rd GSO NC  
 Service Fee \$ \_\_\_\_\_ Signature of Deputy Sheriff Making Return [Signature]  
 Date Received 11-19-12 Name of Sheriff (Type or Print) \_\_\_\_\_  
 Date of Return 11-20-12 County of Sheriff \_\_\_\_\_

**By Barnes, Sheriff  
Guilford County**

**MAILED**

NOV 20 2012