
NC BLET Civil Process Study Guide

Section 1: Overview of Civil Process

- **Primary Functions:**
 - Giving notice.
 - Preserving the status quo.
 - Providing remedies for parties.
 - Enforcing court decisions.
 - **Trial-Level Civil Courts:**
 - Small Claims Court.
 - District Court.
 - Superior Court.
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Section 2: Summons Types and Purpose

1. **Magistrate's Summons:**
 - Used for complaints in small claims court.
 - Informs defendants when and where to appear.
 2. **Civil Summons (AOC-CV-100):**
 - Initiates actions in District or Superior Court.
 - Requires written response to the Clerk of Superior Court.
 3. **Special Proceedings Summons (AOC-SP-100):**
 - Used for adoption, incompetence, name change, etc.
 - Plaintiff: **Petitioner**; Defendant: **Respondent**.
 4. **Juvenile Summons:**
 - Issued in cases involving delinquency, abuse, neglect, or dependency.
 5. **Subpoenas:**
 - Subpoena Duces Tecum: Requires production of documents.
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Section 3: Service of Civil Process

Who Can Serve:

- Sheriffs, sheriff's deputies, or municipal law enforcement officers.

Methods:

- **Direct Delivery:** Serve the defendant personally.
 - **Dwelling Service:** Leave with a suitable resident.
 - **Authorized Agent:** Deliver to someone legally authorized.
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Section 4: Timeframes for Serving Civil Process

Civil Process	Timeframe
Civil Summons	60 days from issuance.
Magistrate's Summons	Valid for 60 days, must be served 5 days before the hearing.
Juvenile Summons (Abuse/Neglect)	Must be served at least 5 days before the hearing.
Juvenile Summons (Delinquency)	Must be served 5 days before the hearing; return unserved after 30 days.
Summons for Termination of Parental Rights	Serve within 60 days; response required in 30 days.
Subpoena to Testify	No set validity period, serve before the court date.
Subpoena Duces Tecum	Serve before the hearing; must include legally required details.
Domestic Violence Protective Order	Ex parte hearings must be held within 10 days of issuance.
Temporary Restraining Orders	Valid for 10 days from issuance.

Section 5: Enforcement of Civil Judgments

- **Executions Against Property:** Satisfies a money judgment by seizing property.
 - **Executions Against the Person:** Rare civil arrest orders.
 - **Delivery of Specific Property:** Return property to the rightful owner.
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