



STATE OF NORTH CAROLINA

File No. 08CVD 568

Haywood

FILED COURT 08 MAY 22 AM 10:37 HAYWOOD COUNTY C.S.C.

In The General Court Of Justice

Small Claims  District  Superior Court Division

Name Of Plaintiff

Rebecca Pless

NOTICE OF VOLUNTARY DISMISSAL

- COMPLAINT
- COUNTERCLAIM
- OTHER

Name Of Defendant

Steven Mark Pless

G.S. 1A-1, Rule 41

Complete the following information if known:

Court Date Time Location  AM  PM

- The plaintiff gives notice of voluntary dismissal  with prejudice  without prejudice in this case as to all of the defendants.
- The plaintiff gives notice of voluntary dismissal  with prejudice  without prejudice in this case only as to the defendants named below and this case remains open as to defendants not listed. (Name of defendants for whom dismissal taken.)

- The defendant gives notice of voluntary dismissal  with prejudice  without prejudice of the counterclaim in this case as to all of the plaintiffs.
- The defendant gives notice of voluntary dismissal  with prejudice  without prejudice in this case only as to the plaintiffs named below and the counterclaim remains open as to plaintiffs not listed. (Name of plaintiffs for whom dismissal taken.)

Other:

Date

5/22/08

Plaintiff Or Attorney

Defendant Or Attorney

Date

NOTE TO CITY OR COUNTY PLAINTIFF: If, pursuant to G.S. 7A-317, you were not required to advance costs when filing the complaint to which you are taking a voluntary dismissal, you must pay the costs to the Clerk of Superior Court upon taking a voluntary dismissal. You may not refile this lawsuit without paying the costs. G.S. 1A-1, Rule 41.

Case No. [ ]  
 Court General Court of Justice  
 District Court Division  
 County HAYWOOD NORTH CAROLINA G.S.C. EX PARTE  
DOMESTIC VIOLENCE  
ORDER OF PROTECTION  
G.S. 50B-2, -3.

**PETITIONER/PLAINTIFF**  
 Rebecca Pless  
 Date Of Birth Of Petitioner 11-9-68

And/or on behalf of minor family member(s): (List Name And DOB)

Jared Pless	3-22-94
Gage Pless	2-14-97

Other Protected Persons/DOB:


**VERSUS**

**RESPONDENT/DEFENDANT**  
 Steven Mark Pless

Relationship to Petitioner:  spouse  former spouse  
 unmarried, of opposite sex, currently or formerly living together  
 unmarried, have a child in common  
 of opposite sex, currently or formerly in dating relationship  
 current or former household member  
 parent  grandparent  child  grandchild

Respondent's/Defendant's Address  
 79 Osbourne Ridge Rd  
 Centon, NC 28714

**CAUTION:**  
 Weapon Involved

**RESPONDENT/DEFENDANT IDENTIFIERS**

Sex	Race	DOB	HT	WT
M	W	5-2-67	6'3"	230
Eyes	Hair	Social Security Number		
Brown	Brown			
Drivers License No.		State	Expiration Date	

Distinguishing Features:

**THE COURT HEREBY FINDS THAT:**  
 This matter was heard by the undersigned  district court judge.  magistrate. The court has jurisdiction over the subject matter.  
 Additional findings of this order are set forth on Page 2.

**THE COURT HEREBY ORDERS THAT:**  
 The above named Respondent/Defendant shall not commit any further acts of abuse or make any threats of abuse.  
 The above named Respondent/Defendant shall have no contact with the Petitioner/Plaintiff. No contact includes any defendant-initiated contact, direct or indirect, by means such as telephone, personal contact, email, pager, gift-giving or telefacsimile machine. [05]  
 Additional terms of this order are as set forth on Pages 3 and 4.

The terms of this order shall be effective until May 1, 2008

**WARNINGS TO THE RESPONDENT/DEFENDANT:**  
 This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, and any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262).  
 This order will be enforced anywhere in North Carolina.  
 Only the Court can change this order. The plaintiff cannot give you permission to violate this order.  
 See additional warnings on Page 4.

ADDITIONAL FINDINGS

1. As indicated by the check block under Respondent/Defendant's name on Page 1, the parties are or have been in a personal relationship.

2. That on (date of most recent conduct) 4-20-08, 2 weeks prior the defendant
a. attempted to cause intentionally caused bodily injury to the plaintiff
b. placed in fear of imminent serious bodily injury the plaintiff a member of the plaintiff's family
c. placed in fear of continued harassment that rises to such a level as to inflict substantial emotional distress the plaintiff a member of plaintiff's family
d. committed an act defined in G.S. 14-27.2 (1st deg. rape) 27.3 (2nd deg. rape) 27.4 (1st deg. sexual off) 27.5 (2nd deg. sexual off) 27.6A (sexual battery) 27.7 (sexual activity by substitute parent) against the plaintiff a child(ren) living with or in the custody of the plaintiff by (describe defendant's conduct) 4-20-08 pushed plaintiff, 2 weeks before grabbed her by the throat & slammed her on the bed & pushed her in the head.

3. The defendant is in possession of, owns or has access to firearms, ammunition, and gun permits described below. (Describe all firearms, ammunition, gun permits and give identifying number(s) if known, and indicate where defendant keeps firearms) 30-06, 20 gauge, 12 gauge 44 pistol

4. The defendant
a. used threatened to use a deadly weapon against the plaintiff minor child(ren) residing with or in the custody of the plaintiff
b. has a pattern of prior conduct involving the use threatened use of violence with a firearm against persons plaintiff minor child(ren), residing with or in the custody of
c. made threats to seriously injure or kill the plaintiff
d. made threats to commit suicide
e. inflicted serious injuries upon the plaintiff minor child(ren) residing with or in the custody of the plaintiff
in that (state facts):

5. The parties are the parents of the following child(ren) under the age of eighteen (18). The child(ren) are presently in the physical custody of the plaintiff defendant. The plaintiff has submitted an "Affidavit As To The Status Of The Minor Child." NOTE TO JUDGE: A copy of AOC-CV-609 for each child must be attached to the order.

Table with columns: Name, Sex, Date Of Birth, Name, Sex, Date Of Birth. Rows: Jared Platt (M, 3-22-99), Sage Platt (M, 2-14-97)

6. The minor child(ren) is exposed to a substantial risk of physical or emotional injury or sexual abuse in that 4-20-08 while the defendant assaulted the plaintiff, the child Jared pulled a loaded gun on the defendant.

7. It is in the best interest of and necessary for the safety of the minor child(ren) that defendant stay away from the minor child(ren) that the defendant return the minor child(ren) to plaintiff and that the defendant not remove the minor child(ren) from plaintiff in that: see # 6 above

8. (Check block only if plaintiff is entitled to physical care of child.) It is in the best interest of the minor child(ren) that defendant have contact with the minor child(ren) in that:

9. The defendant plaintiff is presently in possession of the parties' residence at 179 Osborne Ridge Rd. Canton, N.C. 28716

Name of Defendant

Steven Mark Pless

File No.

10. The  defendant  plaintiff is presently in possession of the parties' vehicle. (describe vehicle)

2003 Dodge Dakota

11. Other: (specify)

12. (for magistrate only) This matter was heard at a time when the district court was not in session and a district court judge was not available and would not be available for a period of four or more hours.

CONCLUSIONS

Based on these facts, the Court makes the following conclusions of law:

- 1. The defendant has committed acts of domestic violence against the plaintiff.
- 2. The defendant has committed acts of domestic violence against the minor child(ren) residing with or in the custody of the plaintiff.
- 3. It clearly appears that there is a danger of acts of domestic violence against the  plaintiff.  minor child(ren). [G.S. 50B-2(c)]
- 4. The minor child(ren) is exposed to a substantial risk of  physical injury.  emotional injury.  sexual abuse. [G.S. 50B-2(c)]
- 5. The Court has jurisdiction under the Uniform Child Custody Jurisdiction And Enforcement Act.
- 6. It is in the best interest of and necessary for the safety of the minor child(ren) that the defendant  stay away from the minor child(ren).  (and) return the minor child(ren) to the physical care of the plaintiff.  (and) not remove the minor from the physical care of the plaintiff.
- 7. The defendant's conduct requires that he/she surrender all firearms, ammunition and gun permits. [G.S. 50B-3.1]
- 8. The plaintiff has failed to prove grounds for ex parte relief.

ORDER

It is ORDERED that

- 1. the defendant shall not assault, threaten, abuse, follow, harass (by telephone, visiting the home or workplace or other means), or interfere with the plaintiff. A law enforcement officer shall arrest the defendant if the officer has probable cause to believe the defendant has violated this provision. [01]
- 2. the defendant shall not assault, threaten, abuse, follow, harass (by telephone, visiting the home or workplace or other means), or interfere with the minor child(ren) residing with or in the custody of the plaintiff. A law enforcement officer shall arrest the defendant if the officer has probable cause to believe the defendant has violated this provision. [01]
- 3. the defendant shall not threaten a member of the plaintiff's family or household. [02]
- 4. the plaintiff is granted possession of, and the defendant is excluded from, the parties' residence described above and all persons property located in the residence except for the defendant's personal clothing, toiletries and tools of trade. [03]
- 5. any law enforcement agency with jurisdiction shall evict the defendant from the residence and shall assist the plaintiff in returning to the residence. [08]
- 6. the  plaintiff [08].  defendant [08] is entitled to get personal clothing, toiletries, and tools of trade from the parties' residence. A law enforcement officer shall assist the  plaintiff  defendant in returning to the residence to get these items.
- 7. the defendant shall stay away from the plaintiff's residence or any place where the plaintiff receives temporary shelter. A law enforcement officer shall arrest the defendant if the officer has probable cause to believe the defendant has violated this provision [04]
- 8. the defendant shall stay away from the following places:
  - (a) the place where the plaintiff works. [04]
  - (b) any school(s) the child(ren) attend. [04]
  - (c) the place where the child(ren) receives day care. [04]
  - (d) the plaintiff's school. [04]
  - (e) Other: (name other places) [04] any other place plaintiff or child may be

The sheriff must deliver a copy of this order to the principal or the principal's designee at the following school(s): (name schools)

Bethel Elementary  
Bethel Middle

- 9. the plaintiff is granted possession and use of the vehicle described in Block No. 10 of the Findings on Page 3. [08]
- 10. The plaintiff is awarded temporary custody of the minor child(ren) (Check any of a, b, or c that apply.)
  - a.  and the defendant is ordered to stay away from the minor child(ren).
  - b.  and the defendant is ordered to immediately return the minor child(ren) to the care of the plaintiff.
  - c.  and the defendant is ordered not to remove the minor child(ren) from the care of the plaintiff.
- 11. (If No. 10 is checked and you are allowing visitation to defendant) The defendant is allowed the following contact with the minor child(ren):

12. the defendant is prohibited from  possessing, owning or receiving [07]  purchasing a firearm for the effective period of this Order, [08]  and the defendant's concealed handgun permit is suspended for the effective period of this Order. [08]
- The defendant is a law enforcement officer/member of the armed services and  may  may not possess or use a firearm for official use.
13. the defendant surrender to the Sheriff serving this order the firearms, ammunition, and gun permits described in Number 3 of the Findings on Page 2 of this Order and any other firearms and ammunition in the defendant's care, custody, possession, ownership or control. **NOTE TO DEFENDANT: You must surrender these items to the serving officer at the time this Order is served on you. The weapons cannot be surrendered at that time, you must surrender them to the sheriff within 24 hours at the time and place specified by the sheriff. Failure to surrender the weapons and permits as ordered or possessing, owning, purchasing, or receiving a firearm, ammunition or permits to purchase or carry concealed firearms after being ordered not to possess firearms, ammunition or permits is a crime. See "Notice To Parties: To The Defendant" on page 4 of this Order for information regarding the penalty for these crimes and instructions on how to request return of surrendered weapons.**
14. the request for Ex Parte Order is denied.
15. Other: (specify) [08]

Date 4-21-08 Signature [Signature]  District Court Judge  Designated Magistrate

**NOTE TO PLAINTIFF:** If the Judge signs this Order and gives it to you, take it to the Clerk's office immediately. If the magistrate signs this Order and gives it to you, follow the magistrate's directions.

**NOTE TO CLERK:** Give or mail a copy of this Order to the plaintiff and to the appropriate local law enforcement agency. Send copies to sheriff with Notice Of Hearing, Complaint and Summons for service on defendant. Send extra copies to the sheriff if required to deliver copy(ies) to the child(ren)'s school.

**NOTICE TO PARTIES**

**TO THE DEFENDANT:**

1. If this Order prohibits you from possessing, owning, receiving or purchasing a firearm and you violate or attempt to violate that provision, you may be charged with a Class H felony pursuant to North Carolina G.S. 14-269.8 and may be imprisoned for up to 30 months.
2. If you have been ordered to surrender firearms, ammunition, and gun permits and you fail to surrender them as required by this Order, or if you failed to disclose to the Court all information requested about possession of these items or provide false information about any of these items you may be charged with a Class H felony and may be imprisoned for up to 30 months. If you surrendered your firearms, ammunition, and permits, you may file a motion for the return of weapons with the clerk of court in the county in which this Order was entered when the protective order is no longer in effect, except if at the time this Order expires criminal charges, in either state or federal court, are pending against you alleged to have been committed against the person who is protected by this order, you may not file for return of the firearms until final disposition of the criminal charges. The form motion, "Motion For Return Of Weapons Surrendered Under Domestic Violence Order" AOC-CV-319, is available from the clerk of court's office. The motion must be filed not later than 90 days after the expiration of the Order that requires you to surrender the firearms or if you have pending criminal charges alleged to have been committed against the person who is protected by the domestic violence protection order, the motion must be filed not later than 90 days after final disposition of the criminal charges. At the time you file the motion, the clerk will schedule a hearing before the district court for a judge to determine whether to return the weapons to you. The sheriff cannot return your weapons unless the Court orders the sheriff to do so. You must pay the sheriff's storage fee before the sheriff returns your weapons. If you fail to file a motion for return of the weapons within 90 days after the expiration of this Order, or the final disposition of criminal charges pending at the time this Order expired, or if you fail to pay the storage fees within 30 days after the Court enters an order to return your weapons, the sheriff may seek an order from the Court to dispose of your weapons.

**TO THE PLAINTIFF:**

1. You should keep a copy of this order on you at all times and should make copies to give to your friends and family. If you move to another county or state, you may wish to give a copy to the law enforcement agency where you move, but you are not required to do so.
2. The court or judge is the only one that can make changes to this order. If you wish to change any of the terms of this order, you must come back into court to have the judge modify the order.
3. If the defendant violates any provision of this order, you may call a law enforcement officer or go to a magistrate to charge the defendant with the crime of violating a protective order. You also may go to the Clerk of Court's office in the county where the protective order was issued and ask to fill out form AOC-CV-307, Motion For Order To Show Cause Domestic Violence Protective Order, to have an order issued for the defendant to appear before a district court judge to be held in contempt for violating the order.

**CERTIFICATION**

I certify this order is a true copy.

Date \_\_\_\_\_ Signature Of Clerk \_\_\_\_\_  Deputy GSC  Assistant GSC  Clerk of Superior Court

STATE OF NORTH CAROLINA

HAYWOOD County

File No.

In The General Court Of Justice  
District Court Division

Name Of Plaintiff (Person Filing Complaint)

Rebecca Pless

VERSUS

Name And Address Of Defendant (Person Accused Of Abuse)

Steven Mark Pless  
79 Osbourne Ridge Rd  
Canton, NC 28716

COMPLAINT AND MOTION  
FOR  
DOMESTIC VIOLENCE  
PROTECTIVE ORDER

G.S. 50B-1, -2, -3, -4

(Check only boxes that apply and fill in blanks. Additional sheets may be attached.)

- I live in HAYWOOD County, North Carolina.
- The defendant and I  are married.  are divorced.  
 are persons of the opposite sex who are not married but live together or have lived together.  
 have a child in common.  
 are parent and child or grandparent and grandchild.  
 are current or former household members.  
 are persons of the opposite sex who are in or have been in a dating relationship.
- There  is  is not another court proceeding between the defendant and me pending in this or any other state.  
(List county, state and what kind of proceeding, if applicable.)

4. The defendant has attempted to cause or has intentionally caused me bodily injury; or has placed me or a member of my family or household in fear of imminent serious bodily injury or in fear of continued harassment that rises to such a level as to inflict substantial emotional distress; or has committed a sexual offense against me in that: (Give specific dates and describe in detail what happened.)

On 4-20-08 Mark and I got into an argument, because I had confronted him with having an affair. MARK wanted me to go to church with him and I told him no because that's where the affair originates. I went to a different church on Sunday. When I came home we had both gotten there around the same time. When we got into the house mark said "where have you been" I said church. He became irate and said I lied, I had said that I wasn't going at all. I said I wasn't going.

5. The defendant has attempted to cause or has intentionally caused bodily injury to the child(ren) living with me or in my custody; has placed my child(ren) in fear of imminent serious bodily injury or in fear of continued harassment that rises to such a level as to inflict substantial emotional distress; or has committed a sexual offense against the child(ren) in that: (Give specific dates and describe in detail what happened.)

My sons are very intimidated by mark. They are afraid to speak their mind around him.

6. I believe there is danger of serious and immediate injury to me or my child(ren).
7. (Check this block if you ask for temporary child custody.) The defendant and I are the parents of the following child(ren) under the age of eighteen.

A COPY OF "AFFIDAVIT AS TO STATUS OF MINOR CHILD" (AOC-CV-609) MUST BE ATTACHED FOR EACH CHILD.

Name	Sex	Date Of Birth	Name	Sex	Date Of Birth
Jared Pless	M	3-22-94			
Gage Pless	M	2-14-97			

#1

FILED

to check the house because that's where she was. We continued to argue. I told him I was going to leave. He wouldn't let me by. He kept pushing me and said no you're not going anywhere. He continues to call me names in front of my children (Lina, Bitch). About 2 weeks ago we had gotten into an argument. Mark grabbed me by the throat and slammed me on the bed. Mark started punching me in the head. He was screaming I hate you, I hate you, I hate you you crazy paranoid bitch, you're going to ruin everything.

On 4-20-08 my sons were home and witnessed the fight. My older son became so scared of Mark that he went to the gun cabinet and got a Shotgun (Loaded) and pointed it at Mark. Mark took the gun and made both the kids go outside. My sons love their father but are also scared of him.



8. (Fill in the block if you are asking for temporary child custody) The minor child(ren) listed in No 7. above is exposed to a substantial risk of physical or emotional injury or sexual abuse in that: (Describe in detail what happened that created a risk of physical or emotional injury or sexual abuse.)

*on 4-20-08 my older son was so scared he pointed a loaded shotgun at me. My younger son was screaming and crying. Gage was screaming please dont have my mom arrested, please dont do this, he was hysterical*

9. The defendant has firearms and ammunition as described below,  has a permit to purchase a firearm,  and has a permit to carry a concealed weapon. (Describe all firearms, ammunition, gun permits and give identifying number(s) if known, and indicate where defendant keeps firearms and gun permits.)

*30 Alt 12, 20 gauge, 12 gauge  
44 Pistol*

10. The defendant has used or threatened to use a deadly weapon against me or minor child(ren) in my custody or has a pattern of prior conduct involving the use or threatened use of violence with a firearm against any persons in that (give specific dates and describe in detail what happened)

*There are several. He left our house on 4-20-08 and took at least 2 weapons with him  
in the past he has pushed me & hit me & grabbed me by the throat  
about 2 weeks ago he grabbed me by the throat slammed me on the bed and pinched me in the head*

11. The defendant has made threats to commit suicide in that (give specific dates and describe in detail what happened)

**Because Of The Acts Of Domestic Violence By The Defendant, I Am Requesting That The Court Give Me The Following Relief:**  
(Check only boxes that apply.)

- 1. I want emergency relief.
- 2. Since there is a danger of acts of domestic violence against me or my child(ren), I want an Ex Parte Order before notice of a hearing is given to the defendant.
- 3. I want the Court to order the defendant not to assault, threaten, abuse, follow, harass or interfere with me and my child(ren).
- 4. I want possession of our residence at the address listed below, and I want the defendant to move from and not return to the residence.

Address Of Residence  
*79 Osbourne Ridge Rd Canton, NC 28716*

- 5. I want the Court to order the eviction of the defendant from the residence listed above and I want assistance in returning to the residence.
- 6. I want possession of the personal property such as clothing and household goods in the residence listed above except for the defendant's personal clothing, toiletries and tools of trade.
- 7. I want the defendant to be ordered not to come on or about:
  - (a) my residence.
  - (b) any place where I am receiving temporary shelter.
  - (c) the place where I work.
  - (d) any school(s) the child(ren) attend.
  - (e) the place where the child(ren) receives day care.
  - (f) the place where I go to school.
  - (g) Other: (name other places)

WHEREVER I OR MY HOUSEHOLD MEMBERS MAY BE

The child(ren) currently attend: (name school)  
*Bethel Elementary  
Bethel Middle*

VERSUS

File No.

8CV 00568

Name Of Defendant

Steven Mark Pless

- 8. I want the defendant to be ordered to have no contact with me.
- 9. I want possession and use of the following vehicle:

Describe Vehicle

2003 Dodge Dakota

- 10. I want temporary custody of our minor child(ren) listed in this Complaint. I understand that I must file a separate child custody action for permanent custody.
- 11. I want the defendant to be ordered to make payments for the support of our minor child(ren), as required by law, but I understand it is only temporary and that I must file a separate child support action for regular, permanent child support.
- 12. I want the Court to prohibit the defendant from possessing or purchasing a firearm.
- 13. I want the Court to order the defendant to surrender to the sheriff his/her firearms, ammunition, and gun permits to purchase a firearm and carry a concealed weapon.
- 14. I want the defendant to be ordered to attend an abuser treatment program.
- 15. I want the defendant to be ordered to provide me and the child(ren) suitable alternative housing.
- 16. I want the defendant to be ordered to make payments for my support as required by law, but I understand it is only temporary, and that I must file a separate action for regular permanent spousal support.
- 17. Other: (specify)

Date

4-21-08

Signature of Plaintiff (Person Filing Complaint)

Rebecca Pless

VERIFICATION

I, the undersigned, being first duly sworn, say that I am the plaintiff in this action; that I have read the Complaint and Motion; that the matters and things alleged in the Complaint and Motion are true except as to those things alleged upon information and belief and as to those I believe them to be true and accurate.

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Date

4-21-08

Date

4/21/08

Signature

Rebecca Pless

Signature Of Plaintiff

Rebecca Pless

Name Of Plaintiff (Type Or Print)

Rebecca Pless

- Deputy CSC
- Assistant CSC

- Clerk of Superior Court
- Designated Magistrate

Date My Commission Expires

8/9/11

County Where Notarized

HAYWOOD



HAYWOOD County

8CV 00568

In The General Court Of Justice  
District Court Division

Name And Address Of Plaintiff

Rebecca Pless  
79 Osbourne Ridge  
Canton, NC 28716

FILED  
08 APR 21 PM 1:46

AFFIDAVIT  
AS TO  
STATUS OF  
MINOR CHILD

Name And Address Of Defendant

Steven Mark Pless  
79 Osbourne Ridge  
Canton, NC 28716

HAYWOOD COUNTY C.S.C.

Name Of Minor Child

Jared Pless

Date Of Birth

3-22-94

Birthplace

Buncombe

G.S.

I, the undersigned affiant, being first duly sworn, say that during the past five (5) years the above named minor child has lived as follows:

Period Of Residence		Address	Name Of Person Lived With	Present Address Of Person
From	To			
3-22-94	Present	79 Osbourne Ridge Canton, NC	Both parents	

I further say that: (Check those that apply)

I have participated in litigation concerning the custody of the above named child.

Capacity As Participant

Date Of Action

Name And Address Of Court

Details

I have information of a custody proceeding concerning the above named child pending in a court in this or another state.

Name And Address Of Court

Details

I know of a person as listed below, who has physical custody or claims to have custody or visitation rights in respect to the above named child.

Name And Address Of Person

Rebecca Pless  
79 Osbourne Ridge, Canton, NC 28716

- Physical Custody
- Claimed Custody
- Visitation Rights

SWORN AND SUBSCRIBED TO BEFORE ME

Date

4-21-08

Date

Signature Of Person Authorized To Administer Oaths

Signature Of Affiant

Deputy CSC  Assistant CSC  Clerk Of Superior Court

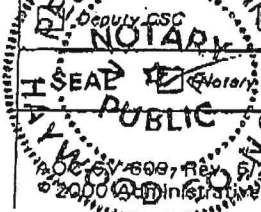
Name Of Affiant (Type Or Print)

Rebecca Pless

Notary Public Seal  
Date Commission Expires 8/9/11

Relationship To Above Named Child

Mother



HAYWOOD County

Name And Address Of Plaintiff  
Rebecca Pless  
79 Osbourne Ridge Rd  
Canton, NC 28716

**AFFIDAVIT  
AS TO  
STATUS OF  
MINOR CHILD**

G.S. 5

Name And Address Of Defendant  
Steven Mark Pless  
79 Osbourne Ridge Rd  
Canton, NC 28716

Name Of Minor Child  
Gage Pless  
Date Of Birth  
2-14-97  
Birthplace  
Buncombe

I, the undersigned affiant, being first duly sworn, say that during the past five (5) years the above named minor child has lived as follows:

Period Of Residence		Address	Name Of Person Lived With	Present Address Of Person
From	To			
<u>2-14-97</u>	<u>Present</u>	<u>79 Osbourne Ridge Rd</u> <u>Canton, NC</u>	<u>Both parents</u>	

I further say that: (Check those that apply)

I have participated in litigation concerning the custody of the above named child.

Capacity As Participant	Date Of Action	Name And Address Of Court

Details

I have information of a custody proceeding concerning the above named child pending in a court in this or another state.

Name And Address Of Court	Details

I know of a person as listed below, who has physical custody or claims to have custody or visitation rights respect to the above named child.

Name And Address Of Person	<input checked="" type="checkbox"/> Physical C <input type="checkbox"/> Claimed C <input type="checkbox"/> Visitation
<u>Rebecca Pless</u> <u>79 Osbourne Ridge Rd, Canton, NC 28716</u>	

SWORN AND SUBSCRIBED TO BEFORE ME

Date: 4-21-08  
Signature Of Person Authorized To Administer Oath  
[Signature]

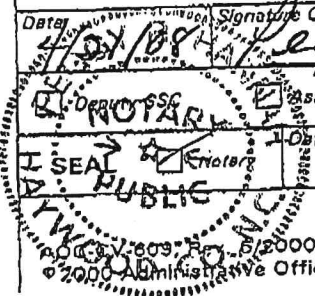
Signature Of Affiant  
[Signature]

Notary  
 Assistant CSC  
 Clerk Of Superior Court

Name Of Affiant (Type Or Print)  
Rebecca Pless

I SEAL  
Date Commission Expires  
8/9/11

Relationship To Above Named Child  
Mother



1169-010-0000  
1279

Waywood Clerk of Court  
285 N. Main St. Suite  
Waynesville NC 28786

STATE OF NORTH CAROLINA

In The General Court Of Justice  
District Court Division

Haywood County

Name Of Plaintiff

Rebecca Pless

VERSUS

Name And Address Of Defendant

Steven Mark Pless N/A E8 4-21  
79 Osbourne Ridge Rd  
Canton, NC 28716

NOTICE OF HEARING  
ON DOMESTIC VIOLENCE  
PROTECTIVE ORDER.

G.S. 50B

To The Defendant Named Above:

The attached Complaint has been filed alleging that you have committed acts of domestic violence against the plaintiff and/or the plaintiff's minor child(ren).

- 1. The attached Ex Parte Order has been issued against you. If you violate the Order, you are subject to being held in contempt or being charged with the crime of violating this Ex Parte Order. A hearing will be held before a district court judge at the date, time and location indicated below. At that hearing it will be determined whether the Order will be continued.
- 2. A hearing will be held before a district court judge at the date, time and location indicated below. At that hearing it will be determined whether emergency relief in protecting the plaintiff and the plaintiff's child(ren) should be granted.

Date Of Hearing

April 30, 2008

Time Of Hearing

9:30 AM  AM  PM

Date

April 21, 2008

Location Of Hearing

Haywood County District Court  
Court Room 2B

Signature

[Signature]

Deputy CSC

Assistant CSC

Clerk Of Superior Court

NOTE TO CLERK: If the first block is checked, the hearing must be scheduled within ten (10) days of the issuance of the Ex Parte Order or seven (7) days from date of service on defendant, whichever occurs later. If the second block is checked, the defendant must be given five (5) days notice of the hearing. Give or mail a copy of the Notice to the plaintiff.

RETURN OF SERVICE

I certify that this Notice and a copy of the Complaint  and the Ex Parte Order were received and served on the defendant as follows:

Date Served

4-30-08

Name Of Defendant

Steven Mark Pless

- 1. By delivering to the defendant named above a copy of this Notice of Hearing and a copy of the Complaint and the Ex Parte Order in this action.
- 2. By leaving a copy of this Notice of Hearing and a copy of the Complaint  and the Ex Parte Order in this action at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name And Address Of Person With Whom Copies Left

Defendant WAS NOT served for the following reason:

Date Received

5-1-08

Date Of Return

5-1-08

Name Of Sheriff

R.C. Alexander

County Of Sheriff

Haywood

Deputy Sheriff Making Return

MA Case

STATE OF NORTH CAROLINA

File No.

HAYWOOD County

In The General Court Of Justice  
District Court Division

Name Of Plaintiff

Rebecca Pless

Address

79 Osbourne Ridge Rd

City, State, Zip

Canton, NC 28716

VERSUS

CIVIL SUMMONS  
DOMESTIC VIOLENCE

ALIAS AND PLURIES SUMMONS

G.S. 1A-1, Rules 3, 4

Name Of Defendant

Steven Mark Pless

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

To The Defendant Named Below:

Name And Address Of Defendant

Steven Mark Pless  
79 Osbourne Ridge Rd  
Canton, NC 28716

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address; and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (If None, Address Of Plaintiff)

Date Issued

Time

April 21, 2008

1:46

AM

PM

Signature

*[Handwritten Signature]*

Deputy CSC

Assistant CSC

Clerk Of Superior Court

ENDORSEMENT

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement

Time

AM

PM

Signature

Deputy CSC

Assistant CSC

Clerk Of Superior Court

RETURN OF SERVICE

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

DEFENDANT

Date Served 4-30-08	Time Served 10:30 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Name Of Defendant Steven Akmal Phss
------------------------	---	--

- 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.

Name And Address Of Person With Whom Copies Left

Other manner of service (specify)

Defendant WAS NOT served for the following reason:

Service Fee Paid

Signature Of Deputy Sheriff Making Return

Date Received

Name Of Sheriff (Type Or Print)

Date Of Return

County Of Sheriff

FILED  
08 MAY -1 AM 9:29  
HAYWOOD COUNTY O.S.C.  
BY DR



STATE OF NORTH CAROLINA

HAYWOOD County

File No.

In The General Court Of Justice  
District Court Division

Name Of Plaintiff (Person Filing Complaint)  
Rebecca Pless

VERSUS

Name And Address Of Defendant (Person Accused Of Abuse)  
Steven Mark Pless  
29 Osbourne Ridge Rd  
Canton, NC 28716

COMPLAINT AND MOTION  
FOR  
DOMESTIC VIOLENCE  
PROTECTIVE ORDER

G.S. 50B-1, -2, -3, -4.

(Check only boxes that apply and fill in blanks. Additional sheets may be attached.)

- 1. I live in HAYWOOD County, North Carolina.
- 2. The defendant and I  are married.  are divorced.  
 are persons of the opposite sex who are not married but live together or have lived together.  
 have a child in common.  
 are parent and child or grandparent and grandchild.  
 are current or former household members.  
 are persons of the opposite sex who are in or have been in a dating relationship.
- 3. There  is  is not another court proceeding between the defendant and me pending in this or any other state.  
(List county, state and what kind of proceeding, if applicable.)

- 4. The defendant has attempted to cause or has intentionally caused me bodily injury; or has placed me or a member of my family or household in fear of imminent serious bodily injury or in fear of continued harassment that rises to such a level as to inflict substantial emotional distress; or has committed a sexual offense against me in that: (Give specific dates and describe in detail what happened.)

*On 4-20-08 Mark and I got into an argument because I had confronted him with having an affair. Mark wanted me to go to church with him and I told him no because that's where the affair originates. I went to a different church on Sunday. When I came home we had both gotten there around the same time. When we got into the house mark said "where have you been" I said church. He became irate and said I lied. I had said that I wasn't going at all. I said I wasn't going*

- 5. The defendant has attempted to cause or has intentionally caused bodily injury to the child(ren) living with me or in my custody; has placed my child(ren) in fear of imminent serious bodily injury or in fear of continued harassment that rises to such a level as to inflict substantial emotional distress; or has committed a sexual offense against the child(ren) in that: (Give specific dates and describe in detail what happened.)

*My sons are very intimidated by mark. They are afraid to speak their mind around him.*

- 6. I believe there is danger of serious and immediate injury to me or my child(ren).
- 7. (Check this block if you ask for temporary child custody.) The defendant and I are the parents of the following child(ren) under the age of eighteen.

A COPY OF "AFFIDAVIT AS TO STATUS OF MINOR CHILD" (AOC-CV-609) MUST BE ATTACHED FOR EACH CHILD.

Name	Sex	Date Of Birth	Name	Sex	Date Of Birth
Jared Pless	M	3-22-94			
Gage Pless	M	2-14-97			

(Over)

#4

to church there because that's where she was. We continued to argue. I told him I was going to leave, he would let me by. He kept pushing me and said no you're not going anywhere. He continues to call me names in front of my children (Lisa, Bitch). About 2 weeks ago we had gotten into an argument. Mark grabbed me by the throat and slammed me on the bed. Mark started punching me in the head. He was screaming I hate you, I hate you, you're crazy, paranoid bitch, you're going to ruin everything.

On 4-20-08 my sons were home and witnessed the fight. My older son became so scared of Mark that he went to the gun cabinet and got a shotgun (loaded) and pointed it at Mark. Mark took the gun and made both the kids go outside. My sons love their father but are also scared of him.

8. (Fill in the block if you are asking for temporary child custody) The minor child(ren) listed in No 7. above is exposed to a substantial risk of physical or emotional injury or sexual abuse in that: (Describe in detail what happened that created a risk of physical or emotional injury or sexual abuse.)

*on 4-20-08 my older son was so scared he pointed a loaded shotgun at mark. My younger son was screaming and crying. Gage was screaming please dont have my mom arrested, please dont do this, he was hysterical*

9. The defendant has firearms and ammunition as described below,  has a permit to purchase a firearm,  and has a permit to carry a concealed weapon. (Describe all firearms, ammunition, gun permits and give identifying number(s) if known, and indicate where defendant keeps firearms and gun permits.)

*30 Alt 16, 20 gauge, 12 gauge  
44 Pistol*

10. The defendant has used or threatened to use a deadly weapon against me or minor child(ren) in my custody or has a pattern of prior conduct involving the use or threatened use of violence with a firearm against any persons in that (give specific dates and describe in detail what happened)

*There are several. He left our house on 4-20-08 and took all the weapons with him  
in the past he has pushed me & hit me & grabbed me by the throat.  
about 2 weeks ago he grabbed me by the throat slammed me on the bed and punched me in the head*

11. The defendant has made threats to commit suicide in that (give specific dates and describe in detail what happened)

**Because Of The Acts Of Domestic Violence By The Defendant, I Am Requesting That The Court Give Me The Following Relief:**

(Check only boxes that apply.)

- 1. I want emergency relief.
- 2. Since there is a danger of acts of domestic violence against me or my child(ren), I want an Ex Parte Order before notice of a hearing is given to the defendant.
- 3. I want the Court to order the defendant not to assault, threaten, abuse, follow, harass or interfere with me and my child(ren).
- 4. I want possession of our residence at the address listed below, and I want the defendant to move from and not return to the residence.  

Address Of Residence  
*79 Osbourne Ridge Rd Canton, NC 28716*
- 5. I want the Court to order the eviction of the defendant from the residence listed above and I want assistance in returning to the residence.
- 6. I want possession of the personal property such as clothing and household goods in the residence listed above except for the defendant's personal clothing, toiletries and tools of trade.
- 7. I want the defendant to be ordered not to come on or about:
  - (a) my residence.
  - (b) any place where I am receiving temporary shelter.
  - (c) the place where I work.
  - (d) any school(s) the child(ren) attend.
  - (e) the place where the child(ren) receives day care.
  - (f) the place where I go to school.
  - (g) Other: (name other places)  
 WHEREVER I OR MY HOUSEHOLD MEMBERS MAY BE

The child(ren) currently attend: (name school)

*Bethel Elementary  
Bethel Middle*

VERSUS

File No.

8CV 00568

Name Of Defendant

Steven Mark Pless

8. I want the defendant to be ordered to have no contact with me.

9. I want possession and use of the following vehicle:

Describe Vehicle

2003 Dodge Dakota

10. I want temporary custody of our minor child(ren) listed in this Complaint. I understand that I must file a separate child custody action for permanent custody.

11. I want the defendant to be ordered to make payments for the support of our minor child(ren), as required by law, but I understand it is only temporary and that I must file a separate child support action for regular, permanent child support.

12. I want the Court to prohibit the defendant from possessing or purchasing a firearm.

13. I want the Court to order the defendant to surrender to the sheriff his/her firearms, ammunition, and gun permits to purchase a firearm and carry a concealed weapon.

14. I want the defendant to be ordered to attend an abuser treatment program.

15. I want the defendant to be ordered to provide me and the child(ren) suitable alternative housing.

16. I want the defendant to be ordered to make payments for my support as required by law, but I understand it is only temporary and that I must file a separate action for regular permanent spousal support.

17. Other: (specify)

Date

4-21-08

Signature Of Plaintiff (Person Filing Complaint)

Rebecca Pless

VERIFICATION

I, the undersigned, being first duly sworn, say that I am the plaintiff in this action; that I have read the Complaint and Motion; that the matters and things alleged in the Complaint and Motion are true except as to those things alleged upon information and belief and as to those I believe them to be true and accurate.

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Date 4-21-08

Date

4/21/08

Signature

Rebecca Pless

Signature Of Plaintiff

Rebecca Pless

Deputy CSC  
 Assistant CSC

Clerk of Superior Court  
 Designated Magistrate

Name Of Plaintiff (Type Or Print)

Rebecca Pless

Notary

Date My Commission Expires

8/9/11

County Where Notarized

HAYWOOD

SEAL

80V 00568

HAYWOOD

County

In The General Court Of Justice  
District Court Division

Name And Address Of Plaintiff

Rebecca Pless  
79 Osbourne Ridge Rd  
Canton, NC 28716

AFFIDAVIT  
AS TO  
STATUS OF  
MINOR CHILD

VERSUS

Name And Address Of Defendant

Steven Mark Pless  
79 Osbourne Ridge Rd  
Canton, NC 28714

Name Of Minor Child

Gage Pless

G.S. 50

Date Of Birth

2-14-97

Birthplace

Buncombe

I, the undersigned affiant, being first duly sworn, say that during the past five (5) years the above named minor child has lived as follows:

Period Of Residence		Address	Name Of Person Lived With	Present Address Of Person
From	To			
2-14-97	Present	79 Osbourne Ridge Rd Canton, NC	Both parents	

I further say that: (Check those that apply)

I have participated in litigation concerning the custody of the above named child.

Capacity As Participant

Date Of Action

Name And Address Of Court

Details

I have information of a custody proceeding concerning the above named child pending in a court in this or another state.

Name And Address Of Court

Details

I know of a person as listed below, who has physical custody or claims to have custody or visitation rights w respect to the above named child.

Name And Address Of Person

Rebecca Pless  
79 Osbourne Ridge Rd. Canton, NC 28716

- Physical Cust
- Claimed Cust
- Visitation Rigt

SWORN AND SUBSCRIBED TO BEFORE ME

Date

4-21-08

Date

4/21/08

Signature Of Person Authorized To Administer Oath

Peggy B. Cannon

Signature Of Affiant

Rebecca Pless

Deputy CSC

Assistant CSC

Clerk Of Superior Court

Name Of Affiant (Type Or Print)

Rebecca Pless

SEAL

Notary

Date Commission Expires

8/9/11

Relationship To Above Named Child

Mother

HAYWOOD

County

80V 00558

In The General Court Of Justice  
District Court Division

Name And Address Of Plaintiff

Rebecca Pless  
79 Osbourne Ridge  
Canton, NC 28716

AFFIDAVIT  
AS TO  
STATUS OF  
MINOR CHILD

G.S. 50

Name And Address Of Defendant

Steven Mark Pless  
79 Osbourne Ridge  
Canton, NC 28716

Name Of Minor Child

Jared Pless

Date Of Birth

3-22-94

Birthplace

Buncombe

I, the undersigned affiant, being first duly sworn, say that during the past five (5) years the above named minor child has lived as follows:

Period Of Residence		Address	Name Of Person Lived With	Present Address Of Person
From	To			
3-22-94	Present	79 Osbourne Ridge Canton, NC	Both parents	

I further say that: (Check those that apply)

I have participated in litigation concerning the custody of the above named child.

Capacity As Participant

Date Of Action

Name And Address Of Court

Details

I have information of a custody proceeding concerning the above named child pending in a court in this or another state.

Name And Address Of Court

Details

I know of a person as listed below, who has physical custody or claims to have custody or visitation rights w respect to the above named child.

Name And Address Of Person

Rebecca Pless  
79 Osbourne Ridge, Canton, NC 28716

- Physical Cust
- Claimed Cust
- Visitation Rigt

SWORN AND SUBSCRIBED TO BEFORE ME

Date

4-21-08

Date

4/21/08

Signature Of Person Authorized To Administer Oaths

Peggy B. Laurel

Signature Of Affiant

Rebecca Pless

Name Of Affiant (Type Or Print)

Rebecca Pless

Deputy CSC

Assistant CSC

Clerk Of Superior Court

SEAL

Notary

Date Commission Expires

8/9/11

Relationship To Above Named Child

Mother

STATE OF NORTH CAROLINA

File No.

08CVD568

Haywood County

In The General Court Of Justice  
District Court Division

Name Of Plaintiff

Rebecca Pless

FILED  
2008 APR 30

AM 9:59

VERSUS

Name And Address Of Defendant

Steven Mark Pless

ORDER CONTINUING  
DOMESTIC VIOLENCE HEARING  
AND EX PARTE ORDER

G.S. 50B-2

This matter was scheduled for hearing for emergency relief pursuant to G.S. 50B-2.

The Court finds that the defendant has not been served with notice of this hearing.

Other:

Therefore, this hearing is continued to the date and time specified below to allow for proper service upon the defendant.

Date Of Hearing

May 22, 2008

Time Of Hearing

9:30

AM  PM

Location Of Hearing

Haywood Co. District Court

The Court orders that the ex parte order entered in this case is continued in effect until the date of the hearing set above.

Date

4/29/08

Name Of District Court Judge (Type Or Print)

Signature Of District Court Judge

**NOTE TO CLERK:** Give or mail a copy of this order to the plaintiff. Mail copies to the defendant, the sheriff, and if the plaintiff resides within the city limits, the local police department.