

STATE OF NORTH CAROLINA

Haywood County

Case No. 22CV0401

In The General Court Of Justice  
District Court Division

Name Of Plaintiff

Lois Hollis

FILED  
09/11/22 @ 10:21am  
HAYWOOD COUNTY C.S.C.

**ORDER CONTINUING  
NO-CONTACT HEARING  
AND TEMPORARY ORDER**

VERSUS

By CLT/C

Name Of Defendant

Edward Smatners

G.S. 50C-7, -8(a)

**FINDINGS**

This matter was scheduled for hearing for a permanent no-contact order pursuant to G.S. 50C-7.

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

Other:

To be heard with related criminal matter.

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

Date Of Hearing

9/12/22

Time Of Hearing

9:30

AM  
 PM

Location Of Hearing

Haywood Co. Justice Center

The Court finds that there is good cause for continuing the temporary no-contact order entered in this case in that: (State grounds for continuing order.)

Therefore, the Court orders that the Temporary No-Contact Order entered in this case is continued in effect for ten (10) days from the date of this Order.

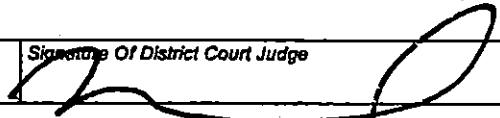
Date

7/4/22

Name Of District Court Judge (Type Or Print)

Kris Earwood

Signature Of District Court Judge



**NOTE TO CLERK:** G.S. 50C-9 provides: "The clerk of court shall deliver on the same day that a civil no-contact order is issued, a certified copy of that order to the sheriff." The statute also provides that a copy of the order shall be issued promptly to the police department of the municipality of the victim's residence, or the sheriff or county police if the victim does not live within a municipality with a police department.

(Over)

STATE OF NORTH CAROLINA

HAYWOOD County

File No.

22 CVD 401

Film No.

FILED

In The General Court Of Justice

District  Superior Court Division  Small Claims

Name Of Plaintiff/Petitioner

LOIS HOLLIS

2022 JUN 29 A 11:21

HAYWOOD CO. C.S.C.

VERSUS

Name Of Defendant/Respondent

EDWARD SMATHERS

ORDER

DISMISSAL  With Prejudice  Without Prejudice

This action is dismissed for the following reason:

- The plaintiff elected not to prosecute this action and has moved for dismissal.
- Neither the plaintiff, nor the defendant appeared on the scheduled trial date.
- The plaintiff failed to appear on the scheduled trial date; the defendant did appear on that date and has moved to dismiss this action.
- Other:

DISCONTINUANCE [G.S. 1A-1, Rule 4(e)]

The defendant has never been served in this action, and more than ninety (90) days have elapsed since the last summons was issued.

CONTINUANCE

The trial of this action is continued to the following date and time on motion of the

- Plaintiff
- Defendant
- Judge or Magistrate

Other: (specify)

TO BE HEARD WITH CRIMINAL CHARGES

Date Of New Trial

07-11-2022

Time Of New Trial

0930  AM  PM

Location Of New Trial

HAYWOOD CO CRIMINAL DISTRICT COURT

BANKRUPTCY

It is ordered that this action be removed from the active calendar and placed on inactive status because a petition for bankruptcy has been filed staying this proceeding. This action may be reinstated if the claim is not resolved in the U.S. Bankruptcy or District Courts.

Date

06-27-2022

Signature

*James Joy*

Judge

Magistrate

Assistant CSC

Clerk Of Superior Court

STATE OF NORTH CAROLINA

File No.

22 CVD 401

HAYWOOD

County

FILED

In The General Court Of Justice  
District Court Division

Name Of Plaintiff

LOIS HOLLIS  
156 JOHNSON HILL DR.  
WAYNESVILLE, NC 28786

2022 JUN -1 P

NOTICE OF HEARING ON  
NO-CONTACT ORDER FOR STALKING  
OR NONCONSENSUAL SEXUAL  
CONDUCT

- TEMPORARY ORDER
- PERMANENT ORDER

G.S. 50C-3, -7

Name Of Defendant

EDWARD SMATHERS  
124 JOHNSON HILL DR.  
WAYNESVILLE NC 28786

VERSUS

To The Defendant Named Above

The attached Complaint has been filed alleging that you have committed unlawful acts of stalking or nonconsensual sexual conduct against the plaintiff.

RECEIVED  
JUN 1 2022

- 1. A hearing will be held before a district court judge at the date, time and location indicated below. At that time it will be determined whether a temporary order should be granted.
- 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 a permanent no-contact order should be granted.

Date Of Hearing

06-27-2022

Time Of Hearing

0930

AM  PM

Date

06-01-2022

Location Of Hearing

COURTROOM 2-C  
HAYWOOD COUNTY JUSTICE CENTER

Signature

Deputy CSC  Assistant CSC  Clerk Of Superior Court

**NOTE TO CLERK:** If this notice of hearing is for a temporary order, attach it with the complaint and summons to be served by the sheriff. If a temporary no-contact order has been issued that order includes a notice of hearing for a permanent order and this separate notice of hearing should not be used unless the hearing date set in the temporary order is being changed.

**NOTE TO PLAINTIFF:** If the complaint and summons has already been served and this notice is issued at a later date you are responsible for mailing a copy of this Notice of Hearing to the defendant. In that situation only, you must mail a copy of the notice by first class mail and complete the "Certificate Of Service" set out below.

CERTIFICATE OF SERVICE

I certify that on the date of mailing shown below a copy of this Notice was served on the defendant at the address listed above 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 Of Mailing

Date Of Certification

Signature Of Plaintiff

STATE OF NORTH CAROLINA

File No.

22 CVD 401

HAYWOOD

County

In The General Court Of Justice  
District Court Division

Name Of Plaintiff

LOIS HOLLIS  
156 JOHNSON HILL DR.  
WAYNESVILLE

FILED

2022 JUN - 1

**CIVIL SUMMONS  
NO-CONTACT ORDER FOR  
STALKING OR NONCONSENSUAL  
SEXUAL CONDUCT**

VERSUS

ALIAS AND PLURIES SUMMONS

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

Name Of Defendant

EDWARD SMATHERS  
124 JOHNSON HILL DR.  
WAYNESVILLE NC 28786

Date Original Summons Issued

04/28/2022

Date(s) Subsequent Summons(es) Issued

06/01/2022

To The Defendant Named Below:

Name And Address Of Defendant

EDWARD SMATHERS  
124 JOHNSON HILL DR.  
WAYNESVILLE NC 28786



**IMPORTANT! You have been sued! These papers are legal documents, DO NOT throw these papers out!**  
You have to respond within 10 days. You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers!

**¡IMPORTANTE! ¡Se ha entablado un proceso civil en su contra! Estos papeles son documentos legales. ¡NO TIRE estos papeles!**

Tiene que contestar a más tardar en 10 días. ¡Puede querer consultar con un abogado lo antes posible acerca de su caso y, de ser necesario, hablar con alguien que lea Inglés y que pueda traducir estos documentos!

**A Civil Action Has Been Commenced Against You!**

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

1. File a written answer in the office of the Clerk of Superior Court for the county named above within 10 days of the date you were served.
2. Serve a copy of your answer on the plaintiff or the plaintiff's attorney by personal delivery or mail at the address listed below.

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

06/01/2022

Time

AM  PM

Signature

*Claudette Swenby*

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

(Over)

RETURN OF SERVICE

I certify that this Summons and a copy of the complaint  and Temporary No-Contact Order  and Notice Of Hearing on a No-Contact Order were received and served as follows:

DEFENDANT

Date Served 6-2-22 Time Served 1:15  AM  PM Name Of Defendant Edward Smathers

- 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, who is named below.

Name And Address Of Person With Whom Copies Left

Defendant WAS NOT served for the following reason:

Date Received 6-2-22 Signature Of Deputy Sheriff Making Return [Signature]
Date Of Return 6-2-22 Name Of Deputy Sheriff Making Return (Type or print) Brooks
County Of Sheriff Haywood

FILED
2022 JUN -3 A 10:30
HAYWOOD CO., O.S.C.

STATE OF NORTH CAROLINA

File No.

22 CVD 401

HAYWOOD County

FILED

In The General Court Of Justice  
District Court Division

Name Of Plaintiff

LOIS HOLLIS  
156 JOHNSON HILL DR.  
WAYNESVILLE, NC 28786

VERSUS

Name Of Defendant

EDWARD SMATHERS  
124 JOHNSON HILL DR.  
WAYNESVILLE NC 28786

NOTICE OF HEARING ON  
NO-CONTACT ORDER FOR STALKING  
OR NONCONSENSUAL SEXUAL  
CONDUCT

- TEMPORARY ORDER
- PERMANENT ORDER

G.S. 50C-3, -7

To The Defendant Named Above

The attached Complaint has been filed alleging that you have committed unlawful acts of stalking or nonconsensual sexual conduct against the plaintiff.

- 1. A hearing will be held before a district court judge at the date, time and location indicated below. At that time it will be determined whether a temporary order should be granted.
- 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 a permanent no-contact order should be granted.

Date Of Hearing

06-27-2022

Time Of Hearing

0930  AM  PM

Date

06-01-2022

Location Of Hearing

COURTROOM 2-C  
HAYWOOD COUNTY JUSTICE CENTER

Signature

- Deputy CSC
- Assistant CSC
- Clerk Of Superior Court

**NOTE TO CLERK:** If this notice of hearing is for a temporary order, attach it with the complaint and summons to be served by the sheriff. If a temporary no-contact order has been issued that order includes a notice of hearing for a permanent order and this separate notice of hearing should not be used unless the hearing date set in the temporary order is being changed.

**NOTE TO PLAINTIFF:** If the complaint and summons has already been served and this notice is issued at a later date you are responsible for mailing a copy of this Notice of Hearing to the defendant. In that situation only, you must mail a copy of the notice by first class mail and complete the "Certificate Of Service" set out below.

CERTIFICATE OF SERVICE

I certify that on the date of mailing shown below a copy of this Notice was served on the defendant at the address listed above 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 Of Mailing

Date Of Certification

Signature Of Plaintiff

COPY

STATE OF NORTH CAROLINA

File No.

22 CVD 401

HAYWOOD

County

In The General Court Of Justice  
District Court Division

Name Of Plaintiff

LOIS HOLLIS  
156 JOHNSON HILL DR.  
WAYNESVILLE

FILED

2022 JUN -1 P 1:18

**CIVIL SUMMONS  
NO-CONTACT ORDER FOR  
STALKING OR NONCONSENSUAL  
SEXUAL CONDUCT**

ALIAS AND PLURIES SUMMONS

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

VERSUS

Name Of Defendant

EDWARD SMATHERS  
124 JOHNSON HILL DR.  
WAYNESVILLE NC 28786

Date Original Summons Issued

04/28/2022

Date(s) Subsequent Summons(es) Issued

06/01/2022

To The Defendant Named Below:

Name And Address Of Defendant

EDWARD SMATHERS  
124 JOHNSON HILL DR.  
WAYNESVILLE NC 28786

COPY



**IMPORTANT! You have been sued! These papers are legal documents, DO NOT throw these papers out!**  
You have to respond within 10 days. You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers!

**¡IMPORTANTE! ¡Se ha entablado un proceso civil en su contra! Estos papeles son documentos legales. ¡NO TIRE estos papeles!**

Tiene que contestar a más tardar en 10 días. ¡Puede querer consultar con un abogado lo antes posible acerca de su caso y, de ser necesario, hablar con alguien que lea inglés y que pueda traducir estos documentos!

**A Civil Action Has Been Commenced Against You!**

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

1. File a written answer in the office of the Clerk of Superior Court for the county named above within 10 days of the date you were served.
2. Serve a copy of your answer on the plaintiff or the plaintiff's attorney by personal delivery or mail at the address listed below.

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

06/01/2022

Time

AM  PM

Signature

*Charlotte P. ...*

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

(Over)

**RETURN OF SERVICE**

I certify that this Summons and a copy of the complaint  and Temporary No-Contact Order  and Notice Of Hearing on a No-Contact Order were received and served as follows:

**DEFENDANT**

*Date Served*

*Time Served*

AM  PM

*Name Of Defendant*

- 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, who is named below.

*Name And Address Of Person With Whom Copies Left*

Defendant WAS NOT served for the following reason:

*Date Received*

*Signature Of Deputy Sheriff Making Return*

*Date Of Return*

*Name Of Deputy Sheriff Making Return (type or print)*

*County Of Sheriff*



5/31/22

STATE OF NORTH CAROLINA

HAYWOOD County

File No.

22 CVD 401

Film No.

FILED

In The General Court Of Justice

District  Superior Court Division  Small Claims

Name Of Plaintiff/Petitioner

LOIS HOLLIS

2022 MAY 31 PM 2:45

VERSUS

Name Of Defendant/Respondent

EDWARD SMATHERS

*Handwritten signature/initials*

ORDER

DISMISSAL  With Prejudice  Without Prejudice

This action is dismissed for the following reason:

- The plaintiff elected not to prosecute this action and has moved for dismissal.
- Neither the plaintiff, nor the defendant appeared on the scheduled trial date.
- The plaintiff failed to appear on the scheduled trial date; the defendant did appear on that date and has moved to dismiss this action.
- Other:

DISCONTINUANCE [G.S. 1A-1, Rule 4(e)]

The defendant has never been served in this action, and more than ninety (90) days have elapsed since the last summons was issued.

CONTINUANCE

The trial of this action is continued to the following date and time on motion of the

- Plaintiff
- Defendant
- Judge or Magistrate
- Other: (specify)

DEF HAS NOT BEEN SERVED

Date Of New Trial

06-27-2022

Time Of New Trial

0930

AM  PM

Location Of New Trial

HAYWOOD CO DOMESTIC RELATIONS SESSION

BANKRUPTCY

It is ordered that this action be removed from the active calendar and placed on inactive status because a petition for bankruptcy has been filed staying this proceeding. This action may be reinstated if the claim is not resolved in the U.S. Bankruptcy or District Courts.

Date

05-31-2022

Signature

*Handwritten signature*

Judge

Magistrate

Assistant CSC

Clerk Of Superior Court

STATE OF NORTH CAROLINA

File No. 22 CD 401

Haywood County

In The General Court Of Justice  
District Court Division

Name Of Plaintiff  
Lois Hollis  
156 Johnson Hill Drive  
Waynesville NC. 28786

**NOTICE OF HEARING ON  
NO-CONTACT ORDER FOR STALKING  
OR NONCONSENSUAL SEXUAL  
CONDUCT**

VERSUS  
Name Of Defendant  
Edward Smathers  
124 Johnson Hill Drive  
Waynesville, NC. 28786

TEMPORARY ORDER  
 PERMANENT ORDER

G.S. 50C-3, -7

To The Defendant Named Above

The attached Complaint has been filed alleging that you have committed unlawful acts of stalking or nonconsensual sexual conduct against the plaintiff.

- 1. A hearing will be held before a district court judge at the date, time and location indicated below. At that time it will be determined whether a temporary order should be granted.
- 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 a permanent no-contact order should be granted.

Date Of Hearing <u>5/31/2022</u>	Time Of Hearing <u>9:30</u> <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Date <u>4/28/2022</u>
Location Of Hearing <u>Room 2-C</u> <u>Haywood Co Justice Ctr</u>	Signature <u>[Signature]</u>	
<input checked="" type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court		

**NOTE TO CLERK:** If this notice of hearing is for a temporary order, attach it with the complaint and summons to be served by the sheriff. If a temporary no-contact order has been issued that order includes a notice of hearing for a permanent order and this separate notice of hearing should not be used unless the hearing date set in the temporary order is being changed.

**NOTE TO PLAINTIFF:** If the complaint and summons has already been served and this notice is issued at a later date you are responsible for mailing a copy of this Notice of Hearing to the defendant. In that situation only, you must mail a copy of the notice by first class mail and complete the "Certificate Of Service" set out below.

**CERTIFICATE OF SERVICE**

I certify that on the date of mailing shown below a copy of this Notice was served on the defendant at the address listed above 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 Of Mailing	Date Of Certification	Signature Of Plaintiff
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STATE OF NORTH CAROLINA

File No. 22 CUD 401

Haywood County

In The General Court Of Justice  
District Court Division

Name Of Plaintiff  
Lois Hollis Hill Drive  
156 Johnson Hill Drive  
Waynesville, NC. 28786

**CIVIL SUMMONS  
NO-CONTACT ORDER FOR  
STALKING OR NONCONSENSUAL  
SEXUAL CONDUCT**

VERSUS

ALIAS AND PLURIES SUMMONS

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

Name Of Defendant  
Edward Smathers  
124 Johnson Hill Drive  
Waynesville, NC. 28786

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

To The Defendant Named Below:

Name And Address Of Defendant



**IMPORTANT! You have been sued! These papers are legal documents, DO NOT throw these papers out! You have to respond within 10 days. You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers!**

**¡IMPORTANTE! ¡Se ha entablado un proceso civil en su contra! Estos papeles son documentos legales. ¡NO TIRE estos papeles!**

**Tiene que contestar a más tardar en 10 días. ¡Puede querer consultar con un abogado lo antes posible acerca de su caso y, de ser necesario, hablar con alguien que lea inglés y que pueda traducir estos documentos!**

**A Civil Action Has Been Commenced Against You!**

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

1. File a written answer in the office of the Clerk of Superior Court for the county named above within 10 days of the date you were served.
2. Serve a copy of your answer on the plaintiff or the plaintiff's attorney by personal delivery or mail at the address listed below.

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 4/28/2022 Time 5:33  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

(Over)

**RETURN OF SERVICE**

I certify that this Summons and a copy of the complaint  and Temporary No-Contact Order  and Notice Of Hearing on a No-Contact Order were received and served as follows:

**DEFENDANT**

<i>Date Served</i>	<i>Time Served</i> <input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Name Of Defendant</i>
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- 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, who is named below.

*Name And Address Of Person With Whom Copies Left*

Defendant WAS NOT served for the following reason:

<i>Date Received</i>	<i>Signature Of Deputy Sheriff Making Return</i>
<i>Date Of Return</i>	<i>Name Of Deputy Sheriff Making Return (type or print)</i>
	<i>County Of Sheriff</i>

STATE OF NORTH CAROLINA

Haywood County

File No. 22CU0401

In The General Court Of Justice  
District Court Division

Name And Address Of Plaintiff

Lois Hollis  
156 Johnson Hill Drive  
WAYNESVILLE, NC. 28786

Name And Address Of Defendant

Edward Smathers  
124 Johnson Hill Drive  
WAYNESVILLE, NC 28786

VERSUS

TEMPORARY  
NO-CONTACT ORDER  
FOR STALKING OR  
NONCONSENSUAL SEXUAL CONDUCT

Ex Parte

FINDINGS

G.S. 50C-6

The Court hereby finds that:

- 1. The Court has jurisdiction over the subject matter.
- 2. This Order is entered ex parte. Immediate and irreparable injury, loss, or damage will result to the plaintiff before notice can be served and defendant heard in opposition because *(define injury and state why it is irreparable)*

and it appears by certificate of the plaintiff  the efforts that have been made to give notice and reasons supporting the plaintiff's claim that notice should not be required.  that there is good cause to hear the matter ex parte because the harm that is intended to be prevented would likely occur if defendant were given prior notice of the plaintiff's efforts to obtain judicial relief.

- 3. This Order is entered after notice has been provided to the defendant. Present at the hearing were:
  - the plaintiff, represented by \_\_\_\_\_
  - the defendant, represented by \_\_\_\_\_
- 4. The plaintiff has suffered unlawful conduct by the defendant in that:

5. Other:

CONCLUSIONS

- 1. The defendant committed acts of unlawful conduct against the plaintiff.
- 2. The plaintiff has failed to prove grounds for issuance of a temporary no-contact order.

(Over)

where is Page 1?

7. Other: (specify)

8. The terms of this Order shall be effective until  one (1) year from the date of this Order.

(specify date and time if less than one year) \_\_\_\_\_

9. The Order is denied and the case is dismissed.

Date	4/27/22	Name Of District Court Judge (type or print)	KRISTEN WOOD
Time	2:28	<input type="checkbox"/> AM	Signature Of District Court Judge
		<input checked="" type="checkbox"/> PM	

**NOTICE TO DEFENDANT: A KNOWING VIOLATION OF A CIVIL NO-CONTACT ORDER SHALL BE PUNISHABLE AS CONTEMPT OF COURT, WHICH MAY RESULT IN A FINE OR IMPRISONMENT. THE COURT MAY FIND YOU IN CIVIL OR CRIMINAL CONTEMPT.**

**CERTIFICATION**

I certify this Order is a true copy.

Date	Signature Of Clerk	<input type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC
		<input type="checkbox"/> Clerk Of Superior Court	

**NOTE TO CLERK:** G.S. 50C-9 provides: "The clerk of court shall deliver on the same day that a civil no-contact order is issued, a certified copy of that order to the sheriff." The statute also provides that a copy of the order shall be issued promptly to the police department of the municipality of the victim's residence, or the sheriff and any county police department if the victim does not live within a municipality with a police department.

**RETURN/CERTIFICATE OF SERVICE WHEN DEFENDANT NOT PRESENT AT HEARING**

I certify that this No-Contact Order For Stalking Or Nonconsensual Sexual Conduct was received and served as follows:

Date Served	Time Served	<input type="checkbox"/> AM	Name Of Defendant
		<input type="checkbox"/> PM	

- By delivering to the defendant named above a copy of this Order.
- By leaving a copy of this Order 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

- By mailing a copy of this Order to the defendant by
  - registered mail.  certified mail (return receipt).  designated delivery service.
- Defendant WAS NOT served for the following reason.

Date Received	Signature Of Deputy Sheriff Making Return
Date Of Return	Name Of Sheriff (type or print)
Date Mailed	County Of Sheriff
	Signature Of Clerk
	<input type="checkbox"/> Deputy CSC
	<input type="checkbox"/> Assistant CSC
	<input type="checkbox"/> Clerk Of Superior Court

**NOTE TO CLERK:** G.S. 50C-9(b) provides: "If the [defendant] was not present in court when the order was issued, the [defendant] may be served in the manner provided for service of process in civil proceedings in accordance with Rule 4(j) of the Rules of Civil Procedure."

STATE OF NORTH CAROLINA

Haywood County

File No.

J2CVD 401

In The General Court Of Justice  
District Court Division

Name Of Plaintiff/Victim

Lois Hollis

Name Of Person Filing On Behalf Of Minor Or Incompetent Victim

Address Of Plaintiff/Victim (Use Alternative Address If Afraid To Give Physical Address)

156 Johnson Hill Dr.  
Waynesville, NC. 28786  
VERSUS

Name And Address Of Defendant

Edward Smathers  
124 Johnson Hill Dr.

**COMPLAINT FOR  
NO-CONTACT ORDER  
FOR STALKING  
OR NONCONSENSUAL SEXUAL  
CONDUCT**

G.S. 50C-2

**NOTE TO PLAINTIFF:** Do not use this form if the relationship between you or the person on whose behalf you are filing this complaint and the defendant is current or former spouse; persons of the opposite sex who live or have lived together; have a child in common, are related as parent and child or grandparent and grandchild, are current or former household members, or are persons of the opposite sex who are in a dating relationship or have been in a dating relationship. In that situation use "Complaint And Motion For Domestic Violence Protective Order," AOC-CV-303. Check only the boxes below that apply and fill in blanks. Additional sheets may be attached.

1.  The plaintiff resides  The defendant resides  The unlawful conduct occurred in this county.
2. a.  I am a victim of unlawful conduct that occurred in North Carolina.  
b.  The plaintiff is a minor or incompetent adult who is a victim of unlawful conduct that occurred in North Carolina, and I am a competent adult who resides in North Carolina and am filing this complaint on the victim's behalf.
3. The defendant was 16 years of age or older at the time of the unlawful conduct.
4. The defendant has committed nonconsensual sexual conduct against the plaintiff in that: (Give specific dates and describe in detail what happened.)

*cut & paste*

5. The defendant has followed on more than one occasion or otherwise tormented, terrorized, or terrified the plaintiff named above with the intent to place the plaintiff in reasonable fear for the plaintiff's safety or the safety of the plaintiff's immediate family or close personal associates or with the intent to cause, and which did cause, the plaintiff to suffer substantial emotional distress by placing the plaintiff in fear of death, bodily injury, or continued torment or terror in that: (Give specific dates and describe in detail what happened and how it placed the plaintiff in fear of safety or how it caused substantial emotional distress.)

I Lois Hollis driving in my car on Johnson Hill Drive stopped because Ed Smathers dogs were running without a leash on the road in front of my car around his house 124 Johnson Hill Drive. Over the last 9 months Ed Smathers usually cusses with words like you bitch with fistful hands at me if I drive by his home or walk on the road. I need to pass his home to get to my home 156 Johnson Hill Drive at the dead end. For **10 years** I walked on Johnson Hill like other neighbors but I had to stop because of Ed's abuse at me.

Friday April 22 Ed Smathers again shouted abuse words at me. He quickly came to my car and violently pushed his hand up to his elbow through my open car window and smashed my phone into my face and I fell backwards. My mouth, teeth, nose were hurt and my neck twisted. Ed is about 25 years younger. I am 78 years old.

**Because Of These Acts Of Unlawful Conduct, The Plaintiff Requests That The Court Grant The Following Relief:**

(Check only boxes that apply.)

- 1. A permanent no-contact order. (A permanent order cannot last longer than one year.)
- 2. A temporary no-contact order. (A temporary order cannot last longer than ten days.)
- 3. The temporary order to be issued ex parte (without notice to the defendant) because the plaintiff will suffer immediate injury, loss, or damage before the defendant can be heard in that: (explain)

**AND**

(If you checked Block 3 above, check a. or b. below.)

- a. I certify that I have made the following efforts, if any, to give notice to the defendant and give the following reasons supporting why notice should not be required: (explain)
  
- b. I certify that there is good cause to grant the remedy because the harm that the remedy is intended to prevent would likely occur if the defendant were given any prior notice of the request for relief in that: (Give specific reasons why harm would occur if prior notice were given to defendant.)
  
- 4. To order the defendant not to visit, assault, molest, or otherwise interfere with the plaintiff.
- 5. To order the defendant to stop stalking the plaintiff.
- 6. To order the defendant to cease harassment of the plaintiff
- 7. To order the defendant not to abuse or injure the plaintiff.
- 8. To order the defendant not to contact, by telephone, written communication, or electronic means, the plaintiff.
- 9. To order the defendant to refrain from entering or remaining present at the plaintiff's residence, school, place of employment, or other places specified.

(List Other Places Where You Want Defendant Ordered Not To Be)

- 10. Other: (specify)

Date: April 27, 2022

Signature of Person Filing Complaint: [Handwritten Signature]

**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: 4/27/2022

Date: [Handwritten] Signature: [Handwritten]

Signature of Person Signing Complaint: [Handwritten Signature]

- Deputy CSC
- Clerk Of Superior Court
- District Court Judge
- Assistant CSC
- Designated Magistrate

Name Of Person Filing Complaint (Type Or Print): [Handwritten Name]

Notary Date My Commission Expires

SEAL County Where Notarized

Notary Seal