

_____ County

In The General Court Of Justice
 District Superior Court Division

Name Of Plaintiff(s)

**MOTION AND ORDER FOR
SUBSTITUTION OF MEDIATOR**

G.S. 7A-38.1, G.S. 7A-38.4A,
Rule 7 of Rules Implementing Superior Court Mediated Settlement
Conferences and Rules Implementing Settlement Procedures in
Equitable Distribution and Other Family Financial Cases

VERSUS

Name Of Defendant(s)

Deadline For Completion Of Mediated Settlement:

Name and Address Of Court Appointed Mediator:

Motion Filed By:

Telephone No.

FAX No. (if applicable)

To: Senior Resident Superior Court Judge District Court Judge

The parties move the court to order the substitution of the party-selected mediator named below for the mediator appointed by the court to conduct a mediated settlement conference in this case.

Name and Address Of Party Selected Mediator:

Telephone No.

FAX No. (if applicable)

Mediator's Email Address

The Parties represent to the Court that:

- All parties to this case have agreed to the substitution of the above named party-selected mediator and that mediator has agreed to serve. The parties and the mediator have agreed to the following compensation: _____
- The parties have fully compensated the court-appointed mediator as required by Rule 7 of the Rules Implementing Superior Court Mediated Settlement Conferences or Rules Implementing Family Financial Settlement Conferences **and have attached proof of payment to this Motion and Order.**

SIGNATURE

Date	Name Of Plaintiff's Attorney (Or Pro Se Plaintiff)	Signature Of Plaintiff's Attorney (Or Pro Se Plaintiff)
Date	Name Of Defendant's Attorney (Or Pro Se Defendant)	Signature Of Defendant's Attorney (Or Pro Se Defendant)

FINDINGS

The court, having considered evidence and the statements of counsel, finds:

- The parties have have not agreed to the substitution of mediator and the mediator the parties wish to substitute has has not agreed to serve.
- The parties have have not fully compensated the court-appointed mediator as required by Rule 7 of the Rules Implementing Superior Court Mediated Settlement Conference or Rules Implementing Family Financial Settlement Conferences **and provided proof of payment of that compensation.**

Original Copy-Senior Resident Superior Court Judge or his/her designee Copy -Plaintiff Copy-Defendant
(Over)

ORDER/DENIAL OF SUBSTITUTION

- The Court approves the substitution of the party selected mediator for the one appointed by the Court.
- The Court denies the substitution of the party selected mediator.

<i>Date</i>	<i>Name Of Senior Resident Superior Court Judge Or District Court Judge</i>	<i>Signature Of Senior Resident Superior Court Judge Or District Court Judge</i>
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CERTIFICATE OF SERVICE

I certify that a copy of this Motion And Order For Substitution Of Mediator was served as follows:

On the Plaintiff (*name plaintiff*) _____, on (*give date*) _____ 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 U.S. Postal Service, addressed to the plaintiff at the address listed above. the plaintiff's attorney at the following address: _____.

Other: _____.

On Defendant 1, (*name defendant*) _____, on (*give date*) _____ 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 U.S. Postal Service, addressed to the defendant at the address listed above. the defendant's attorney at the following address: _____.

Other: _____.

On Defendant 2, (*name defendant*) _____, on (*give date*) _____ 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 U.S. Postal Service, addressed to the defendant at the address listed above. the defendant's attorney at the following address: _____.

Other: _____.

On Court-Appointed Mediator, (*name mediator*) _____, on (*give date*) _____ 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 U.S. Postal Service, addressed to the Mediator at the address listed above.

Other: _____.

On Party Selected Mediator that Parties wish to Substitute,
 (*name mediator*) _____, on (*give date*) _____ 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 U.S. Postal Service, addressed to the Mediator at the address listed above.

Other: _____.

<i>Signature</i>	<input type="checkbox"/> <i>Trial Court Administrator's Staff</i> <input type="checkbox"/> <i>Judge's Staff</i>
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