

AUDIT TRAIL

AOC-G-113 Rev. 1/08
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12 CV 001655

FTP

Case No.	12 CVD 1654	DOMESTIC VIOLENCE ORDER OF PROTECTION <input type="checkbox"/> CONSENT ORDER
Court	General Court of Justice District Court Division	
County	WAKE NORTH CAROLINA	

FILED

2012 JUN 27 PM 2:27

G.S. 50B-2, -3, -3.1

PETITIONER/PLAINTIFF			PETITIONER/PLAINTIFF IDENTIFIERS		
First	Middle	Last	Date Of Birth Of Petitioner		
Douglas		Duncan	1-19-55		
And/or on behalf of minor family member(s): (List Name And DOB)			Other Protected Persons/DOB:		

VERSUS

RESPONDENT/DEFENDANT		RESPONDENT/DEFENDANT IDENTIFIERS					
First	Middle	Last	Sex	Race	DOB	HT	WT
Keith		Duncan	M	W	8-15-58	6'	240
Relationship to Petitioner: <input type="checkbox"/> spouse <input type="checkbox"/> former spouse <input type="checkbox"/> unmarried, of opposite sex, currently or formerly living together <input type="checkbox"/> unmarried, have a child in common <input type="checkbox"/> of opposite sex, currently or formerly in dating relationship <input type="checkbox"/> current or former household member <input type="checkbox"/> parent <input type="checkbox"/> grandparent <input type="checkbox"/> child <input type="checkbox"/> grandchild Respondent's/Defendant's Address			Eyes	Hair	Social Security Number		
			BRN	Grn			
			Drivers License No.		State	Expiration Date	
CAUTION: <input type="checkbox"/> Weapon Involved			Distinguishing Features				

THE COURT HEREBY FINDS THAT:
This matter was heard by the undersigned district court judge, the court has jurisdiction over the parties and subject matter, and the Respondent/Defendant has been provided with reasonable notice and opportunity to be heard.
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 domestic violence or make any threats of domestic violence (G.S. 50B-1).
☐ 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 , ,

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).
Federal law makes it a crime for you to possess, transport, ship or receive any firearm or ammunition while this order is in effect even if this order does not prohibit you from possessing firearms. (18 U.S.C. Section 922(g)(8)).
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. Present at the hearing were: ☐ the plaintiff, represented by NP
☐ the defendant, represented by NP

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

- ☐ 3. On (date of most recent conduct) _____, the defendant
- ☐ a. ☐ attempted to cause ☐ intentionally caused bodily injury to ☐ the plaintiff ☐ a minor child(ren) in the custody of the plaintiff
 - ☐ b. placed in fear of imminent serious bodily injury ☐ the plaintiff ☐ a member of the plaintiff's family
☐ a member of the plaintiff's household
 - ☐ 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 ☐ a member of plaintiff's household
 - ☐ 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.) ☐ 27.5A (sexual battery) ☐ 27.7 (sexual activity by substitute parent) against the
☐ plaintiff ☐ child(ren) living with or in the custody of the plaintiff
by (describe defendant's conduct)

☐ 4. The defendant is in possession of items or has access to firearms, ammunition, and gun permits described below (describe all firearms, ammunition, gun permits and gun identifying number(s) if known, and indicate where defendant keeps firearms)

- ☐ 5. 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
 - ☐ c. made threats to seriously injure or kill the ☐ plaintiff ☐ minor child(ren) residing with or in the custody of 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) _____

☐ 6. The ☐ defendant ☐ plaintiff is presently in possession of the parties' residence at _____

☐ 7. The ☐ defendant ☐ plaintiff is presently in possession of the parties' vehicles described below: _____

☐ 8. Other: (specify) _____

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. There is danger of serious and immediate injury to the ☐ plaintiff. ☐ minor child(ren). [G.S. 50B-2(c)]
☐ 4. The defendant's conduct requires that he/she surrender all firearms, ammunition and gun permits. (G.S. 50B-3.1)
☒ 5. The plaintiff has failed to prove grounds for issuance of a domestic violence protective order.

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]
☐ 3a. the defendant shall not cruelly treat or abuse an animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household.
☐ 4. the plaintiff is granted possession of, and the defendant is excluded from, the parties' residence described above and all personal 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.
☐ 6a. the plaintiff is granted the care, custody, and control of any animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household.
☐ 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]

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

- ☐ 9. the plaintiff is granted possession and use of the vehicle described in Block 7 on Page 2. [08]
☐ 10. the defendant is ordered to make payments to the plaintiff for support of the minor child(ren) as required by law. [08]
☐ 11. the defendant is prohibited from ☐ possessing or receiving [07] ☐ purchasing a firearm for the effective period of this Order [07] ☐ 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.
☐ 12. the defendant surrender to the Sheriff serving this order the firearms, ammunition, and gun permits described in block No. 4 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 at the time the sheriff serves this Order on you. If 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, 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.**
☐ 13. the defendant shall attend and complete an abuser treatment program offered by the following agency, which is approved by the Domestic Violence Commission: [08]

☐ 14. Other: (specify) [08]

Failure
to prosecute

☒ 15. this action is dismissed and as of this date any ex parte order issued in this case is null and void.

TEMPORARY CUSTODY

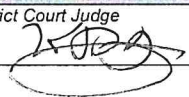
☐ "Temporary Child Custody Addendum To Domestic Violence Protective Order," AOC-CV-306A, is attached and incorporated into this Order.

FOR CONSENT JUDGMENTS ONLY

Each of us enters into this Consent Order knowingly, freely, and voluntarily. The defendant understands that in consenting to this Order all of the consequences set out in the Notice to Parties and Warnings to Respondent/Defendant in this Order apply.

Date	Signature Of Plaintiff	Date	Signature Of Defendant
------	------------------------	------	------------------------

SIGNATURE OF JUDGE

Date	Name Of District Court Judge (Type Or Print)	Signature Of District Court Judge
3-27-14	Judge Bailey	

NOTICE TO PARTIES

TO THE DEFENDANT:

1. If this Order prohibits you from possessing, 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 your 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 provided false information to the Court 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 For Return Of Weapons Surrendered Under Domestic Violence Protective 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 required 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 surrendered 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 weapon. 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 protective 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.

CERTIFICATE OF SERVICE WHEN DEFENDANT NOT PRESENT AT HEARING

I certify that this Order and Notice to Parties has been served on the defendant 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	<input type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC
		<input type="checkbox"/> Clerk Of Superior Court	<input type="checkbox"/> Other _____

FILED

2012 MAR 23 PM 3:29

WAKE COUNTY, C.S.C.

TO The Honorable Judge Bailey, March 23rd 2012

Re; Case#12 CVD -1656

Comes now Brian Walker POA. For Keith Duncan in reference to above case file.

I respectfully request a continuance on this matter to be heard on March 27th 2012.

For the following reasons;

Mr. Duncan is currently being detained in a Virginia federal facility on another legal matter.

He is unable to appear in your court on the above listed date, and I am also unavoidably tied up on another matter that I cannot reschedule.

Mr. Duncan is currently half owner of a tree farm with his brother.

Mr. Duncan prays that the court will grant this continuance until the 27th of April 2012.

So that he may be able to address the court, and his brother in this matter by defending himself in person.

Respectfully requested,

By Keith Duncan

On March 23rd 2012

By Brian Walker POA.

Per his request.

Power of attorney is also attached with this document.

FILED

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GEORGIA GENERAL DURABLE POWER OF ATTORNEY

FILED

THE POWERS GRANTED BELOW ARE EFFECTIVE EVEN IF I BECOME DISABLED OR INCOMPETENT 3:29

I, Keith Duncan of 6326 Brandywine Tr, Norcross, GA 30092 appoint Brian R. Walker of 6326 Brandywine Tr, Norcross, GA 30092 as my Agent (attorney-in-fact) to act for me in any lawful way with respect to the following initialed subjects: C.S.C.

INITIAL on the lines applicable.

 (A) Real and tangible personal property transactions. To lease, sell, mortgage, purchase, exchange, and acquire, and to agree, bargain, and contract for the lease, sale, purchase, exchange, and acquisition of, and to accept, take, receive, and possess any interest in real and tangible property whatsoever, on such terms and conditions, and under such covenants, as my Agent shall deem proper.

 (B) Banking and other financial institution transactions. To make, receive, sign, endorse, execute, acknowledge, deliver and possess checks, drafts, bills of exchange, letters of credit, notes, stock certificates, withdrawal receipts and deposit instruments relating to accounts or deposits in, or certificates of deposit of banks, savings and loans, credit unions, or other institutions or associations.

 (C) Insurance and annuity transactions. To exercise or perform any act, power, duty, right, or obligation, in regard to any contract of life, accident, health, disability, liability, or other type of insurance or any combination of insurance; and to procure new or additional contracts of insurance for me and to designate the beneficiary of same; provided, however, that my Agent cannot designate himself or herself as beneficiary of any such insurance contracts.

 (D) Claims and litigation. To commence, prosecute, discontinue, or defend all actions or other legal proceedings touching my property, real or personal, or any part thereof, or touching any matter in which I or my property, real or personal, may be in any way concerned.

 (E) Personal and family maintenance. To hire accountants, attorneys at law, consultants, clerks, physicians, nurses, agents, servants, workmen, and others and to remove them, and to appoint others in their place, and to pay and allow the persons so employed such salaries, wages, or other remunerations, as my Agent shall deem proper.

 (F) Benefits from Social Security, Medicare, Medicaid, or other governmental programs. To prepare, sign and file any claim or application for Social Security, unemployment; sue for, settle or abandon any claims to any benefit or assistance under any federal, state, local or foreign statute or regulation; control, deposit to any account, collect, receipt for, and take title to and hold all benefits under any Social Security, unemployment, other state, federal, local or foreign statute or regulation; and, in general, exercise all powers with respect to Social Security, unemployment, and governmental benefits, including but not limited to Medicare and Medicaid, which the principal could exercise if present and under no disability.

 (G) Retirement plan transactions. To contribute to, withdraw from and deposit funds in any type of retirement plan (which term includes, without limitation, any tax qualified or nonqualified pension, profit sharing, stock bonus, employee savings and other retirement plan, individual retirement account, deferred compensation plan and any other type of employee benefit plan.

 (H) Tax matters. To prepare, to make elections, to execute and to file all tax, social security, unemployment insurance, and informational returns required by the laws of the United States, or of any state or subdivision thereof.

 (I) ALL OF THE POWERS LISTED ABOVE. YOU NEED NOT INITIAL ANY OTHER LINES IF YOU INITIAL LINE (I)

Successor Agent. If any Agent named by me shall die, become incompetent, resign or refuse to accept the office of Agent, I name the following (each to act alone and successively, in the order named) as successor(s) to such Agent:

stationed in Hawaii Marine Base
US Marine Corp Matthew Duncan of 4177 Ancient Amber Way, Norcross GA 30092
Friend Toni Fields of Deluth GA owner of 3 street dogs Hair salon

Authority to Delegate I further grant to my Attorney and Alternate Attorney full powers of substitution, and hereby ratify any act, which my Attorney or Alternate Attorney or any substitute Agent appointed by my Attorney or Alternate Attorney under this Power of attorney.

THIS POWER OF ATTORNEY IS EFFECTIVE IMMEDIATELY AND WILL CONTINUE UNTIL IT IS REVOKED.

I am fully informed as to all the contents of this form and understand the full import of this grant of powers to my Agent.

I agree that any third party who receives a copy of this document may act under it. Revocation of the power of attorney is not effective as to a third party until the third party learns of the revocation. I agree to indemnify the third party for any claims that arise against the third party because of reliance on this power of attorney.

Signed this 9th day of March 2012 (Name): Keith Duncan
Built By K Keith, LLC

STATEMENT OF WITNESS

On the date written above, the principal declared to me in my presence that this instrument is his general durable power of attorney and that he had willingly signed and that he executed it as his free and voluntary act for the purposes therein expressed.

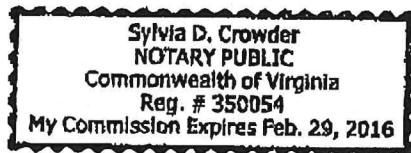
Charles W. [Signature]
Witness Signature
D. Franklin
Witness Signature

2402 Godwin Blvd Suffolk, Va 23434
Address
2402 Godwin Blvd Suffolk, VA 23434
Address

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC
STATE OF GEORGIA COUNTY OF GWINNET

This document was acknowledged before me on this 9th day of March by Keith Duncan

Notary Seal



Sylvia D. Crowder
(Signature of Notary)
Notary Public for the State of Virginia
02/29/2016
My Commission Expires on (Date)

*** RX REPORT ***

RECEPTION OK

TX/RX NO
DESTINATION TEL #
DESTINATION ID
ST. TIME
TIME USE
PGS.
RESULT

6004
7708408666
03/23 14:33
02'09
5
OK

FILED

2012 MAR 23 PM 3:29

WAKE COUNTY, C.S.C.

BY _____

The UPS Store
7742 Spalding Drive
Norcross, GA 30092
770-840-8181
770-840-8666 (Fax)

FILED

2012 MAR 23 PM 3:29

WAKE COUNTY, C.S.C.

**Fax Cover***Clerk of the Court and***The UPS Store™****To:** *Judge Bailey***Fax #:** *919-792-4101***Date:** *3/23/12***# of Pages (including cover sheet):** *6**Brian Walker P.O.A for Keith Duncan***From:****Phone #:** *770-289-3089***Subject:** *Letter of Continuance and Power of Attorney**Please Place in file #12-CVD-1656
and fax filed copy to 770-840-8666
Att.: Brian Walker*

We offer more than just shipping!
Ask about all the business services we offer
under one roof. We can save you time and money!

If you are not the intended recipient, do not disclose, copy, distribute or use this information. If you received this transmission in error, please call immediately to arrange return of the documents at no cost to you.

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 4745
DESTINATION TEL # 917708408666
DESTINATION ID
ST. TIME 03/26 07:38
TIME USE 00'59
PAGES SENT 1
RESULT OK

03/23/2012 15:31 7708408666

THE UPS STORE

PAGE 02

FILED

TO The Honorable Judge Bailey, March 23rd 2012

Re; Case#12 CVD -1656

2012 MAR 23 PM 3:29
WAKE COUNTY, C.S.C.

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On March 23rd 2012

By Brian Walker POA.

Per his request.

Power of attorney is also attached with this document.





State of North Carolina
General Court of Justice
CLERK OF SUPERIOR COURT
WAKE COUNTY
P.O. Box 351
Raleigh, NC 27602-0351

facsimile transmittal

To: Brian Walker Fax: 770-840-8666
From: D.V. Unit (WCCH) Phone: 919-792-4100
Re: 12 CVD 1656 Pages: 2
Cc: _____ Date: 3/26/12

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Remarks:



72

8

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 4746
DESTINATION TEL # 917708408666
DESTINATION ID
ST. TIME 03/26 07:48
TIME USE 00'47
PAGES SENT 2
RESULT OK

*State of North Carolina**General Court of Justice*

CLERK OF SUPERIOR COURT

WAKE COUNTY

P.O. Box 351
Raleigh, NC 27602-0351

facsimile transmittal

To: Brian Walker Fax: 770-840-8666
From: D.V. Unit (WCCJ) Phone: 919-792-4100
Re: 12 CVD 1656 Pages: 2
Cc: Date: 3/26/12

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Remarks:

STATE OF NORTH CAROLINA

File No.

12 CVD 1656

WAKE

County

FILED

In The General Court Of Justice
District Court Division

Name Of Plaintiff

Douglas Duncan

2012 FEB 15 AM 10:02

VERSUS

WAKE COUNTY, C.S.C.

ORDER CONTINUING

Name And Address Of Defendant

Keith Duncan

BY

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

3-27-12

Time Of Hearing

9

AM

PM

Location Of Hearing

WCCH

☒ 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

2-15-12

Name Of District Court Judge (Type Or Print)

Judge GREEN

Signature Of District Court Judge

Jennifer M. Green

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.

Power of Atty - Mr. Walker 3/22/12 2:30 pm

12 CVD 1656

770-289-3089

770-940-4116

Mr. Walker is sending a letter requesting Judge to continue.

States Mr. Keith Duncan is incarcerated in VA. + he wants to be able to have his hearing, but (POA) Mr. Walker would not be here to ask for a hearing b/c he is detained + has other court cases.. Alleges both brothers are in a private dispute in re: Tree Farm Business requesting a 30 day continuance MB/KF AW

STATE OF NORTH CAROLINA

WAKE County

File No.

In The General Court Of Justice
District Court Division

Name Of Plaintiff

Douglas V. Duncan

VERSUS

Name And Address Of Defendant

Keith Grant Duncan
6306 Brandywine Trail
Norcross GA 30092

NOTICE OF HEARING
ON DOMESTIC VIOLENCE
PROTECTIVE ORDER

G.S. 50B-2

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

2-15-12

Time Of Hearing

9 AM ☒ PM ☐

Date

Signature

☒ Deputy CSC

☐ Assistant CSC

☐ Clerk Of Superior Court

Location Of Hearing

WAKE CO. COURTHOUSE
DOMESTIC VIOLENCE
RM 9A

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

2-8-12

Name Of Defendant

Keith Duncan

- ☒ 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

2-8-12

Date Of Return

Name Of Sheriff

CPI Edward Hickey #519

Deputy Sheriff Making Return

County Of Sheriff

Cherokee County Su GA

Case No. Court General Court of Justice District Court Division County <u>Wake</u> NORTH CAROLINA PETITIONER/PLAINTIFF <u>Douglas</u> <u>V</u> <u>Duncan</u> <small>First Middle Last</small> And/or on behalf of minor family member(s): (List Name And DOB) <table border="1" style="width: 100%; height: 40px; border-collapse: collapse;"></table>	EX PARTE DOMESTIC VIOLENCE ORDER OF PROTECTION <small>G.S. 50B-2, -3, -3.1</small> PETITIONER/PLAINTIFF IDENTIFIERS <u>1-19-55</u> <small>Date Of Birth Of Petitioner</small> Other Protected Persons/DOB: <table border="1" style="width: 100%; height: 60px; border-collapse: collapse;"> <tr> <td style="width: 70%;"><u>Reah Duncan</u></td> <td style="width: 30%;"><u>5-15-55</u></td> </tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>	<u>Reah Duncan</u>	<u>5-15-55</u>																												
<u>Reah Duncan</u>	<u>5-15-55</u>																														
VERSUS																															
RESPONDENT/DEFENDANT <u>Keith Brent Duncan</u> <small>First Middle Last</small> Relationship to Petitioner: <input type="checkbox"/> spouse <input type="checkbox"/> former spouse <input type="checkbox"/> unmarried, of opposite sex, currently or formerly living together <input type="checkbox"/> unmarried, have a child in common <input type="checkbox"/> of opposite sex, currently or formerly in dating relationship <input checked="" type="checkbox"/> current or former household member <input type="checkbox"/> parent <input type="checkbox"/> grandparent <input type="checkbox"/> child <input type="checkbox"/> grandchild Respondent's/Defendant's Address <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> <u>6326 Brandywine Trail</u> <u>Norcross Ga 30092</u> </div>	RESPONDENT/DEFENDANT IDENTIFIERS <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Sex</td> <td style="width: 15%;">Race</td> <td style="width: 20%;">DOB</td> <td style="width: 10%;">HT</td> <td style="width: 10%;">WT</td> </tr> <tr> <td><u>M</u></td> <td><u>W</u></td> <td><u>8-15-58</u></td> <td><u>6</u></td> <td><u>240</u></td> </tr> <tr> <td>Eyes</td> <td>Hair</td> <td colspan="3">Social Security Number</td> </tr> <tr> <td><u>Br</u></td> <td><u>Br/Grey</u></td> <td colspan="3"> </td> </tr> <tr> <td colspan="2">Drivers License No.</td> <td>State</td> <td colspan="2">Expiration Date</td> </tr> <tr> <td colspan="2"> </td> <td><u>GA</u></td> <td colspan="2"> </td> </tr> </table> Distinguishing Features <div style="border: 1px solid black; height: 80px; margin-top: 10px;"></div>	Sex	Race	DOB	HT	WT	<u>M</u>	<u>W</u>	<u>8-15-58</u>	<u>6</u>	<u>240</u>	Eyes	Hair	Social Security Number			<u>Br</u>	<u>Br/Grey</u>				Drivers License No.		State	Expiration Date				<u>GA</u>		
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		<u>GA</u>																													

CAUTION:
☐ Weapon Involved

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

February 15, 2012

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) Just 4 mos, the defendant
- ☐ a. ☐ attempted to cause ☐ intentionally caused bodily injury to ☐ the plaintiff ☐ the child(ren) living with or in the custody of the plaintiff
- ☐ b. placed in fear of imminent serious bodily injury ☐ the plaintiff ☐ a member of the plaintiff's family ☐ a member of the plaintiff's household
- ☒ 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 ☐ a member of plaintiff's household
- ☐ 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.) ☐ 27.5A (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)

Def has been calling Pl repeatedly from jail in Georgia, despite being told not to. Contact ~~Def~~ Pl or his family. Def is bipolar & is very angry with Pl and Pl is fearful for himself & his family

☐ 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)

Saw model 66 357 magnum
12 gauge shotgun

- ☐ 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
- ☐ c. made threats to seriously injure or kill the ☐ plaintiff ☐ minor child(ren) residing with or in the custody of 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.

Name	Sex	Date Of Birth	Name	Sex	Date Of Birth

- ☐ 6. The minor child(ren) is exposed to a substantial risk of physical or emotional injury or sexual abuse in that:
- ☐ 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:
- ☐ 8. (Check block only if plaintiff is entitled to physical care of child(ren).) 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 _____

Name Of Defendant

File No.

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

☐ 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 child(ren) 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]
- ☐ 3a. the defendant shall not cruelly treat or abuse an animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household.
- ☐ 4. the plaintiff is granted possession of, and the defendant is excluded from, the parties' residence described above and all personal 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.
- ☐ 6a. the plaintiff is granted the care, custody, and control of any animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household.
- ☒ 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] 10809 W. Bradford Dr Cary; 3133 Starhope Ave Rd
Anywhere within 100 yards of Plaintiff, other protected persons or

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

any place named herein

- ☐ 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 or receiving [07] ☐ purchasing a firearm for the effective period of this Order [07] ☐ 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. If 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, 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

Signature

☒ District Court Judge
☐ Designated Magistrate

NOTE TO SHERIFF: If you signed this Order and you are not a law enforcement officer, 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, 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 For Return Of Weapons Surrendered Under Domestic Violence Protective 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.

Name Of Defendant	File No.
-------------------	----------

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	

RETURN OF SERVICE

NOTE: To be used when Magistrate issues ex parte protective order and order will be served on defendant separate from the complaint and civil summons. If complaint and summons are served with order, return on summons covers order.

I certify that this Ex Parte Domestic Violence Order of Protection was received and served as follows:

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

- ☐ By delivering to the defendant named above a copy of the order.
- ☐ By leaving a copy of the 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

- ☐ Other manner of service on the defendant (specify)

- ☐ 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)
	County Of Sheriff

DOMESTIC VIOLENCE (§50-B) INFORMATION SHEET**Please PRINT clearly and fill out completely and accurately:**

Plaintiff's (your) Name: Douglas V. Duncan
 County where Plaintiff Resides: ~~Gwinnett Co, GA~~ Wake Co, NC
 Defendant's (other party) Name: Keith Brent Duncan
 County where Defendant Resides: Gwinnett Co, GA
 County where alleged incident(s) occurred: Wake Co. possible

Have you (Plaintiff) EVER filed a Domestic Violence Protective Order (§50-B) complaint against this Defendant? ☐ YES ☒ NO

If yes, in what county and state was this complaint filed? _____

Has this Defendant EVER filed a Domestic Violence Protective Order (§50-B) complaint against you? ☐ YES ☒ NO

If yes, in what county and state was this complaint filed? _____

Has this Defendant EVER been charged with any crimes for any incidents involving you? ☐ YES ☒ NO

If yes, in what county, state and year were charges brought? _____

Have you EVER been charged with any crimes for any incidents involving this Defendant? ☐ YES ☒ NO

If yes, in what county, state and year were charges brought? _____

Have you and/or this Defendant filed **ANY** civil actions (paperwork filed in the Clerk's office) in Family/Domestic Court for **custody of children, child support, alimony, and/or equitable distribution of property**? ☐ YES ☒ NO

If yes:

What claims have been filed? _____

In what county and state were the complaints filed? _____

What is the name and telephone number of your attorney? _____

What is the name and telephone number of Defendant's attorney? _____

Who is your Domestic/Family Court Judge? ☐ Christian ☐ Sasser ☐ Walczyk ☐ Worley Other: _____

Complete this section only if you are requesting temporary custody of your children:

Has this Defendant been charged with any crimes for any incidents involving your minor children? ☐ YES ☐ NO

If yes, in what county and state were charges brought? _____

Have you been charged with any crimes for any incidents involving your minor children? ☐ YES ☐ NO

If yes, in what county and state were charges brought? _____

Has the Department of Human Services investigated any claims concerning your minor children? ☐ YES ☐ NO

If yes, in what county and state? _____

Do you have a current/active case with Child Protective Services (CPS)? ☐ YES ☐ NO

If yes, what is the name of your case worker? _____

FOR COURT USE ONLY

Domestic cases involving both parties and assigned Family Court Judge: _____

Criminal cases involving both parties: _____

12 CV 001656

STATE OF NORTH CAROLINA

WAKE

County

FILED

File No.

In The General Court Of Justice
District Court Division

Name Of Defendant

Frederic Brent Duncan

2012 FEB -8 PM 1:54

Street Address Of Defendant (Not P.O. Box)

6326 Brandywine Trail

WAKE COUNTY, D.S.C

IDENTIFYING INFORMATION

ABOUT DEFENDANT

DOMESTIC VIOLENCE ACTION

G.S. 50B-3(d)

City

Norcross

State

GA

Zip

30092

INSTRUCTIONS: In order to assist law enforcement agencies in serving and enforcing this Order, if issued by the Court, the following information is requested. It is not required for the issuance of this Order, but may allow law enforcement agencies to locate and more quickly identify the persons involved in this case and to enforce the provisions of this Order more effectively. Answer these questions accurately and honestly.

If you do not know the answer to any of the following questions, leave the question blank.

INFORMATION ABOUT DEFENDANT

Date Of Birth

8/15/58

Race:

☒ White

☐ Black

☐ Indian

☐ Asian/Pacific Islander

☐ Other

Sex:

☒ Male

☐ Female

Height

6'0"

Weight

240

Hair Color

Gray some Brown

Eyes Color

Brown

Identifying Marks (List any marks, scars, tattoos)

Does the defendant have a driver's license or state-issued identification card from any state?

☒ Yes

☐ No

If yes, provide the state and number if possible: State:

GA

Number:

Vehicle description and license plate number:

unknown

Social Security No. Of Defendant

Telephone No. Of Defendant

The defendant's current work information:

Employer's Business Name

Business Address

Business Telephone No.

Defendant's Work Hours (List Work Start Time And Work Stop Time)

Does the defendant have a permit to purchase a handgun or crossbow?

☐ Yes

☐ No

If yes, state which law enforcement agency issued the permit, if known:

Does the defendant have a permit to carry a concealed handgun?

☐ Yes:

☐ No

If yes, state which law enforcement agency issued the permit, if known:

Is there any reason that a law enforcement officer should consider the defendant a potential threat (i.e., carries concealed weapons while drinking alcohol, has threatened an officer, etc.)?

☐ Yes

☐ No

If yes, specify the circumstances:

PLAINTIFF

Date Of Birth

1/19/55

Race:

☒ White

☐ Black

☐ Indian

☐ Asian/Pacific Islander

☐ Other

Sex:

☒ Male

☐ Female

Date

2/8/12

Name Of Plaintiff (Type Or Print)

Douglas V. Duncan

Signature Of Plaintiff

NOTE TO CLERK OR MAGISTRATE: If an order is issued, a copy of this form should be attached to the appropriate order and forwarded to the sheriff of the issuing court county.

AOC-CV-312, Rev. 6/2000

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Original-Court File Copy-Sheriff

12 CV 001656

STATE OF NORTH CAROLINA

WAKE

County

File No.

In The General Court Of Justice
District Court Division

Name Of Plaintiff

Douglas V. Duncan

Address

809 Greenwood Circle

City, State, Zip

Cary NC 27511

VERSUS

Name Of Defendant

Keith Brent Duncan
6326 Brandywine Trail
Norcross, GA 30092

CIVIL SUMMONS
DOMESTIC VIOLENCE

☐ ALIAS AND PLURIES SUMMONS

G.S. 50B-2(a)

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

To The Defendant Named Below:

Name And Address Of Defendant

Keith Brent Duncan
6326 Brandywine Trail
Norcross, GA 30092

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 ten (10) 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

2-8-12

Time

☒ AM ☒ PM

Signature

[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)



Name Of Defendant		File No.	
CERTIFICATION			
I certify this order is a true copy.			
Date	Signature Of Clerk	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Clerk of Superior Court	<input type="checkbox"/> Assistant CSC
RETURN OF SERVICE			
NOTE: To be used when Magistrate issues ex parte protective order and order will be served on defendant separate from the complaint and civil summons. If complaint and summons are served with order, return on summons covers order.			
I certify that this Ex Parte Domestic Violence Order of Protection was received and served as follows:			
Date Served	Time Served	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Name Of Defendant
2-8-12	4:33		Keith Duncanson
<input checked="" type="checkbox"/> By delivering to the defendant named above a copy of the order.			
<input type="checkbox"/> By leaving a copy of the 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			
<input type="checkbox"/> Other manner of service on the defendant (specify)			
<input type="checkbox"/> Defendant WAS NOT served for the following reason.			
Date Received	Signature Of Deputy Sheriff Making Return		
2-8-12	CPI [Signature] #519		
Date Of Return	Name Of Sheriff (Type Or Print)		
	CPI Hickey #519		
	County Of Sheriff		
	Cherokee County So.		



STATE OF NORTH CAROLINA

File No.

Wake

County

FILED

In The General Court Of Justice
District Court Division

Name Of Plaintiff (Person Filing Complaint)

Douglas V. Duncan

2012 FEB -8 PM 1:54

VERSUS

Name And Address Of Defendant (Person Accused Of Abuse)

Keith Brent Duncan
6326 Brandywine Trail
Norcross, GA 30092

WAKE COUNTY, C.S.C.

BY

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 Wake 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, date 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.)

Defendant DOB 8/15/58, SSN 243-86-0043

National criminal background attached current 2/8/12

Defendant is currently in Cherokee Co. GA jail with probable release on plea bargain on 2/10/12.

Defendant history of mental illness with at least three clinical treatment periods. Diagnosis was bi-polar manic. He is not taking doctor prescribed medications.

Defendant has a history of violence as shown by criminal arrests.

Defendant has the means and ability to travel across state lines and was recently extradited from Las Vegas NV to GA

- ☒ 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.)

Two married (non-minor) daughters and their families live in Wake County and are also targets of domestic violence.

- ☒ 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

(Over)

- ☐ 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.)
- ☒ 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.)
 S&W Model 66 stainless steel 357 Magnum 4 inch barrel, Serial number unknown
 12 gauge shotgun - unknown make, could have been confiscated by Naval Security, Newport News VA, gun charge active in VA
 Old 38 special nickle revolver of unknown make with no serial number on weapon
- ☒ 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)
 Cobb Co. A Sherriff's report on file where he threatened officers with a gun when they responded to domestic assault on his wife Sherry Duncan.
- ☐ 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).
- ☐ 3a. I want the defendant ordered not to cruelly treat or abuse an animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household.
- ☐ 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
- ☐ 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.
- ☐ 6a. I want the care, custody, and control of any animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household granted to me.



VERSUS

File No.

Name Of Defendant

Keith Brent Duncan

6326 Brandywine Trail

Norcross, GA 30092

- ☐ 7. I want the defendant to be ordered not to come on or about:
- | | |
|--|--|
| <input checked="" type="checkbox"/> (a) my residence. | <input type="checkbox"/> (b) any place where I am receiving temporary shelter. |
| <input checked="" type="checkbox"/> (c) the place where I work. | <input type="checkbox"/> (d) any school(s) the child(ren) attend. |
| <input type="checkbox"/> (e) the place where the child(ren) receives day care. | <input type="checkbox"/> (f) the place where I go to school. |
| <input checked="" type="checkbox"/> (g) Other: (name other places) | |

Residences of married daughters (non-minors) and their families in Wake County:
 Malia (Duncan) and David Dodson, 10809 W. Bridgeford Dr., Cary, NC 27518
 Renee (Duncan) and Alex Vaughn, 3133 Stanhope Ave, Raleigh, NC 27607

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

- ☒ 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
- ☐ 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 02/08/2012 Signature Of Plaintiff (Person Filing Complaint)

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 2-8-12	Signature 	Date 2/8/12	Signature Of Plaintiff
<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Notary		<input type="checkbox"/> Clerk of Superior Court <input type="checkbox"/> Designated Magistrate Name Of Plaintiff (Type Or Print) Douglas V. Duncan	
Date My Commission Expires			
SEAL		County Where Notarized	

