

10:33
ORDER UPON MOTION TO RETURN WEAPONS
SURRENDERED UNDER
DOMESTIC VIOLENCE PROTECTIVE ORDER
G.S. 50B-3.1 (f), (g)

NGS

A hearing was held before the district court judge named below pursuant to a motion to return weapons surrendered pursuant to a domestic violence protective order.

The Court finds

- 1. A copy of the Motion and Notice Of Hearing was served on the plaintiff and the plaintiff was was not present.
- 2. The defendant third-party owner filed a motion to return weapons surrendered pursuant to a domestic violence protective order entered on (date) 2/11/13.
- 3. The domestic violence protective order under which the defendant surrendered weapons expired on (date) 2/21/12 and has not been renewed.
- 4. A motion to renew is is not pending.
- 5. The defendant is not currently subject to any domestic violence protective order.
- 6. a. The defendant is disqualified from owning or possessing a firearm pursuant to 18 USC § 922 or any state law in that (state facts indicating why disqualified under federal or state law, i.e., convicted of a misdemeanor domestic violence crime or possession of a weapon of mass destruction, etc.)

b. There was no evidence presented that the defendant is disqualified from owning or possessing a firearm pursuant to 18 USC § 922 or any state law.

7. a. The defendant has pending criminal charges in state or federal court alleged to have been committed against the person protected by the current protective order in that (state charges and person who is alleged victim)

b. There was no evidence presented that the defendant has pending criminal charges in state or federal court committed against the person protected by the current protective order.

8. The third-party filing the motion is the owner of the weapons described below (describe surrendered weapons owned by third-party claimant)

9. a. The third-party claimant is disqualified from owning or possessing a firearm pursuant to 18 USC § 922 or any state law in that (state facts indicating why disqualified under federal or state law, i.e., convicted of a misdemeanor domestic violence crime or possession of a weapon of mass destruction, etc.)

b. There was no evidence presented that the third-party claimant is disqualified from owning or possessing a firearm pursuant to 18 USC § 922 or any state law.

(Over)

10. Other:

CONCLUSIONS

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

- 1. The defendant is is not entitled to the return of all firearms, ammunition and gun permits surrendered to the sheriff pursuant to the domestic violence protective order entered in this case.
- 2. The return of firearms is denied solely because the defendant has pending criminal charges alleged to have been committed against the person who is protected by the domestic violence protective order.
- 3. The third-party owner is entitled to the return of all firearms, ammunition and gun permits listed in Finding 8 of this Order.
- 4. The third-party claimant is not entitled to the return of firearms, ammunition and gun permits surrendered by the defendant.
- 5. Other:

ORDER

It is ORDERED that:

- 1. The sheriff return to the defendant the firearms, ammunition and gun permits surrendered under the domestic violence protective order issued in this case upon payment of all fees owed for storage of the firearms and ammunition.
- 2. The sheriff return to the third-party owner the firearms, ammunition and gun permits listed in Finding 8 of this Order upon the payment of all fees owed for storage of the firearms and ammunition.
- 3. The motion is denied.
- 4. (Check only when motion is by third-party, court finds property is owned by third-party but return is prohibited because third-party is prohibited by federal or state law from owning or possessing a firearm.) The sheriff is ordered to dispose of the weapons listed in Finding 8 of this Order by
 - a. destroying all of the items the items listed below and is ordered to maintain a record of destruction.
(List specific items to be destroyed only if all of the items listed in Finding 7 are not to be destroyed)

b. Keeping the firearms listed below for its official use and maintaining a record of receipt.

c. turning the firearms listed over to (name of local law enforcement agency) _____

the State Bureau of Investigation. the North Carolina Justice Academy.

The agency receiving the firearms must maintain a record of receipt.

(Describe firearms to be turned over to law enforcement agency)

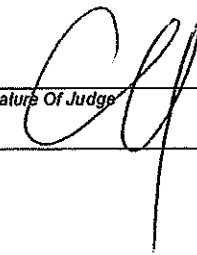
Date

3/6/13

Name Of Judge (Type Or Print)

None

Signature Of Judge



MOTION FOR RETURN OF WEAPONS
SURRENDERED UNDER
DOMESTIC VIOLENCE PROTECTIVE ORDER
AND NOTICE OF HEARING

G.S. 50B-3.1(f), (g)

RETURN

As required by the Court in the domestic violence protective order in this case, I surrendered the following property to the Sheriff of _____ County: (check all that apply)

- firearms.
- ammunition.
- permit to purchase firearms.
- permit to carry a concealed weapon.

The domestic violence protective order that required the surrender of the property listed above expired on the date listed below and has not been renewed. There is is not a pending motion to renew. As indicated by the affidavit on Pages 2 and 3, I am not precluded by any state or federal law from owning or possessing a firearm and I have no pending criminal charges in state or federal court alleged to have been committed against the person who is protected by the domestic violence protective order. I request the court to order the sheriff to return the items I surrendered.

MOTION BY THIRD-PARTY OWNER FOR RETURN

Pursuant to the domestic violence protective order entered in this case, the defendant surrendered to the Sheriff of Swain County the firearms, ammunition, and gun permits on the date listed below. I, and not the defendant, am the owner of the surrendered property described below. I request the Court to return this property to me. I am not precluded by any state or federal law from owning or possessing a firearm as indicated by the affidavit on Pages 2 and 3. This motion is filed not later than 30 days after the surrender of the items.

(Describe firearms, ammunition, gun permits that belong to person filing motion)

Name And Address Of Third-Party Owner (Type Or Print)

Date Weapons Surrendered

2/11/2013

Date

2/21/2013

Signature Of Third-Party Owner

(See Reverse)

AFFIDAVIT

WARNING: This affidavit must be filled out completely and truthfully. False statements may result in criminal prosecution.

Name (Last, First, Middle) <u>Matthew Wayne Leber</u>			Maiden Name, Nickname, Alias		
Current Residence	Street	Apartment No.	Previous Residence	Street	Apartment No.
	City, State, Zip Code <u>P. lot MTN, NC 27041</u>			City, State, Zip Code	
Other States Of Residence					
Are You A U.S. Citizen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			If No, List Country Of Citizenship		
Home Telephone <u>336 368 0009</u>			Work Telephone		
Social Sec	[REDACTED]		Drivers License/ID No.	State	
Employer	<u>Disabled Veteran</u>		Occupation		
Employer Address (Street, City, State, Zip Code)					
Race	<u>White</u>	Sex	<u>Male</u>	Date Of Birth	<u>04/05/2013</u>
Height	<u>6'0</u>	Weight	<u>195</u>	Hair Color	<u>Brown</u>
				Eye Color	<u>Blue</u>
Distinguishing Scars, Piercings, Tattoos, Etc. (describe):					

1. Do you have any criminal charges in state or federal court, including traffic offenses, pending against you? Yes No
 What type of charge and where is it pending? _____
 Name alleged victim and relationship to you _____
2. Have you ever been convicted of a misdemeanor crime of violence (including domestic violence) in either a state or federal court? Yes No
 What was the crime? _____
 When and where were you convicted? _____
 Who was the victim of the crime? _____
3. Have you ever been convicted of a felony in either a state or federal court? Yes No
 What was the crime? _____
 When and where were you convicted? _____
4. Have you ever been convicted of driving while impaired in either a state or federal court? Yes No
 When and where were you convicted? _____
5. Are there any outstanding warrants for your arrest? Yes No
 Where and for what reason? _____
6. Are you under indictment for a crime at this time? Yes No
 Where and for what reason? _____
7. Are you currently subject to a domestic violence protective order or any other order that restrains you from harassing, stalking, threatening or engaging in any conduct that would place anyone in reasonable fear of bodily injury? Yes No
 What court issued the order? _____

IMPORTANT: You must attach a copy of the protective/restraining order to this affidavit.

8. Were you ever a member of the military? Yes No
 If yes, what kind of discharge did you receive? Honorable
9. Are you currently using or are you addicted to any controlled substance, including marijuana, cocaine, methamphetamine or heroin? Yes No

Name Of Defendant Matthew Leber File No. 13 CVD 181

10. Have you ever been a patient in any mental institution or hospital?
When and where? Yes No
11. Have you ever been adjudicated incompetent by a court?
When and where? Yes No

VERIFICATION

I, the undersigned being duly sworn, verify that the information submitted above is true, correct and complete to the best of my knowledge and belief.

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Date	Signature Of Person Authorized To Administer Oaths	Date	Signature Of Applicant
<u>2/22/13</u>	<u>Michelle</u>	<u>2/22/13</u>	<u>Matthew Leber</u>
Name Of Person Authorized To Administer Oaths	Name Of Applicant Type Or Print)	<u>Matthew Wayne Leber</u>	
<u>Michelle H. Creed</u>			
<input checked="" type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	Date My Commission Expires		
<input type="checkbox"/> Notary	County Where Notarized		
SEAL			

NOTICE OF HEARING

- Pursuant to a motion made by the defendant a third-party a hearing will be held before a district court judge at the date, time and location indicated below to determine whether
- to return the weapons surrendered to the defendant.
 - the third-party claiming the weapons surrendered is the owner of the items listed in the motion and is entitled to have the items returned to him/her.
- The plaintiff has a right to appear and be heard at this hearing.

Date Of Hearing	Time Of Hearing	Location Of Hearing
<u>3/6/13</u>	<u>9:00</u> <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	<u>Bundy Co. Courthouse, Dobson</u>
Date	Signature Of Clerk	<input checked="" type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC
<u>2/22/13</u>	<u>Michelle H. Creed</u>	<input type="checkbox"/> Clerk Of Superior Court

NOTE TO CLERK: You must give a copy of this notice of hearing to the defendant or third-party when the motion is filed and you must mail a copy by first class mail to the plaintiff and give a copy to the sheriff. If the motion is filed by a third person, you must also mail notice of the hearing to the defendant.

CERTIFICATION

I certify that on the date of mailing shown below a copy of this Motion And Notice Of Hearing was served on the plaintiff at the address listed below by depositing a copy in a postpaid properly addressed envelope in a post office or official depository under the exclusive care and custody of the United States Postal Service.

- On the same date a copy was served on the defendant at the address listed on this motion by the same method.

(See reverse for Federal firearm restrictions)

FEDERAL FIREARM RESTRICTIONS

18 U.S.C. § 922 provides:

(g) It shall be unlawful for any person --

- (1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;
- (2) who is a fugitive from justice;
- (3) who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));
- (4) who has been adjudicated as a mental defective or who has been committed to a mental institution;
- (5) who, being an alien --
 - (A) is illegally or unlawfully in the United States; or
 - (B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)))
[means those aliens not admitted for permanent residence; does not prohibit aliens who possess "green card" from possessing guns or ammunition];
- (6) who has been discharged from the Armed Forces under dishonorable conditions;
- (7) who, having been a citizen of the United States, has renounced his citizenship;
- (8) who is subject to a court order that--
 - (A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;
 - (B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or
 - (C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or
 - (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or
- (9) who has been convicted in any court of a misdemeanor crime of domestic violence

to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

(n) It shall be unlawful for any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year to ship or transport in interstate or foreign commerce any firearm or ammunition or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

18 U.S.C. § 922 (k), (o) and (v) and 26 U.S.C. § 5861 make it unlawful to possess a machine gun, fully automatic firearm, semiautomatic assault weapon, sawed off shotgun, or firearm with altered or obliterated serial number except under certain specified circumstances.

STATE OF NORTH CAROLINA

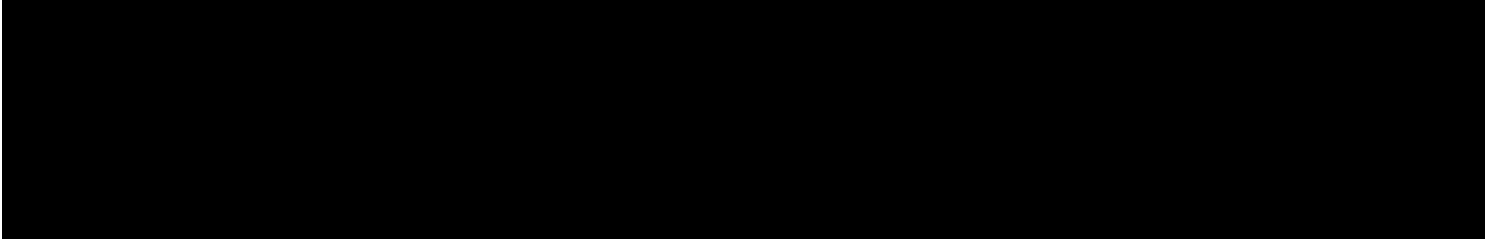
File No. 13CVD181

Dumy

County

2013 FEB 12 PM 12:00

In The General Court Of Justice
District Court Division



Name Of Defendant

Matthew W. Leber

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

To The Defendant Named Below:

Name And Address Of Defendant

Matthew W. Leber
144 Freeman Rd Trl.
Pilot Mtn, NC 27041

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

2-11-13

Time

9:34

AM PM

Signature

Melvin M. Welch

Deputy CSC Assistant CSC Clerk Of Superior Court

ENDORSEMENT

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

Date Of Endorsement

Time

AM PM

Signature

Deputy CSC Assistant CSC Clerk Of Superior Court

RETURN OF SERVICE

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

DEFENDANT

Date Served: 2-11-13
Time Served: 7:57 AM PM
Name Of Defendant: Matthew Leber

- By delivering to the defendant named above a copy of the summons and complaint.
- By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.

Name And Address Of Person With Whom Copies Left: Matthew Leber 144 ~~Leber~~ Freeman RD 1st Pilot mtn.

Other manner of service (specify)

Defendant WAS NOT served for the following reason:

Service Fee Paid \$

Signature Of Deputy Sheriff Making Return: Michael C. Hughes

Date Received: 2-11-13

Name Of Sheriff (Type Or Print): Graham Atkinson

Date Of Return: 2-11-13

County Of Sheriff: Surry

STATE OF NORTH CAROLINA

File No.

13CV0181

Dumy County

In The General Court Of Justice
District Court Division

NOTICE OF HEARING
ON DOMESTIC VIOLENCE
PROTECTIVE ORDER

G.S. 50B-2

Matthew W. Leber

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 <u>2-21-13</u>	Time Of Hearing <u>9:00</u> <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Date <u>2-11-13</u>
Location Of Hearing <u>Dumy Co. Courthouse Dobson, NC</u>		Signature <u>Melina M. Welch</u>
		<input checked="" type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court

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

RETURN OF SERVICE

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

Date Served	Name Of Defendant
-------------	-------------------

- 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 above 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	Date Of Return	Name Of Sheriff
County Of Sheriff		Deputy Sheriff Making Return

Case No. 13 CV 0181
 Court General Court of Justice
District Court Division
 County Swain NORTH CAROLINA

**EX PARTE
 DOMESTIC VIOLENCE
 ORDER OF PROTECTION**

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

PETITIONER/PLAINTIFF

[Redacted Name]

PETITIONER/PLAINTIFF IDENTIFIERS

10-13-71
 Date Of Birth Of Petitioner

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

Other Protected Persons/DOB:

FILED
 FEB 11 PM 2:10
 SWAIN COUNTY, N.C.
 CLERK

VERSUS

RESPONDENT/DEFENDANT

Matthew Leber
 First Middle Last

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

Respondent's/Defendant's Address

144 Freeman Ridge Rd
Pilot Mtn, NC 27041

CAUTION:
 Weapon Involved

RESPONDENT/DEFENDANT IDENTIFIERS

Sex	Race	DOB	HT	WT
<u>M</u>	<u>W</u>	<u>4-5-73</u>	<u>6'</u>	<u>197</u>
Eyes	Hair	Social Security Number		
<u>Blue</u>	<u>Brown</u>			
Drivers License No.	State	Expiration Date		
	<u>NC</u>			

Distinguishing Features

THE COURT HEREBY FINDS THAT:

This matter was heard by the undersigned district court judge. magistrate. The court has jurisdiction over the subject matter.

Additional findings of this order are set forth on Page 2.

THE COURT HEREBY ORDERS THAT:

- The above named Respondent/Defendant shall not commit any further acts of 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 February 21, 2013

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) Feb 2012, 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)

See Complaint Re: ongoing dispute between parties' relationship

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)

See Complaint

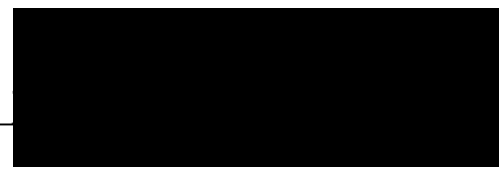
4. The defendant
- a. used threatened to use a deadly weapon against the plaintiff minor child(ren) residing with or in the custody of the plaintiff
 - b. has a pattern of prior conduct involving the use threatened use of violence with a firearm against persons
 - c. made threats to seriously injure 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.

[REDACTED]	Name	Sex	Date Of Birth
[REDACTED]			
[REDACTED]			
[REDACTED]			

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 Matthew W. Zeber File No. 13 CVD 181

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

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]

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

Pilot Middle
Pilot Elementary

- 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 2-11-13 Signature William F. Patton District Court Judge
 Designated Magistrate

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

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

NOTICE TO PARTIES

TO THE DEFENDANT:

1. If this Order prohibits you from possessing, 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.

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 Surry 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.)
 Matthew W. Leber served 8 yrs in Army, Special Forces, has PTSD, Due to ~~arguing~~ Arguing and Yelling in front of the kids I went to VA to my family, I don't have any family in NC, He had Back Surgery Aug, 10-11, It messed up his leg causing nerve damage. He has Hated everything and HAS become worse with his Temper. He had  on Feb, 8-12 to see them for

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.)
 Matthew W. Leber has hit  in the back of her head with large tea, Because she was walking in the yard and bumped into him and he lost his Temper this was May - 2012

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.)

He has been Abusive of them in the PAST, I'm Afraid he will continue to do so. He is putting stuff in our 9yr old's head. She is telling her sister, her Daddy said she is # one, Causing Problems.

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.)

Matthew W. Leber has guns in the home gets up in the middle of the night, carrying a 40 handgun around, 2-30-13 he got up and came back to bed, Left his gun at my feet the rest of the night. He has numerous other guns.

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).

Police has been to our home several times due to him shooting AR 15 and other guns. Said to me the Police better not come back to his home again without search warrant.

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

He has told me that he would be better off dead, due to the surgery he had on his back that messed his leg up.

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

144 Freeman Ridge Trl Pilot Mnt, Ne 27041

- 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.

4. The Weekend, We was trying to work it out between the two of us, He has Gun's in the Home, I went to our home and got the AR15, He got mad at me because of that and called the Police they called me at my Mom's house in VA, The Police officers said it was to be worked out with our lawyer's about the Gun, So Matthew Leber put's our [REDACTED] in truck bring's her to my Mom's in VA, Put's her out and gets his 40 gur out gets in my BLACK SAB, take's 3 bag's of clok's leave trunk up and Car Door opened. Tell [REDACTED] She is getting no money and can get to school best way she know's how, I've been driving here to Pilot Middle School from VA So see don't fell or get behind on School work. He put the AR15 under our Xmas Tree and took picutures of it after X-MAS. Posted it on Face Book, Face Book took him off their site for 3 days because of him argueing over the Gun's and the law's. I'm affraid of him because of the thing's he has said and done to me and our Girls.

VERSUS

File No.

130VD181

Name Of Defendant

Matthew W. Leber

7. I want the defendant to be ordered not to come on or about:

(a) my residence.

(c) the place where I work.

(e) the place where the child(ren) receives day care.

(g) Other: (name other places)

(b) any place where I am receiving temporary shelter.

(d) any school(s) the child(ren) attend.

(f) the place where I go to school.

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

[Redacted]

8

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

Describe Vehicle

[Redacted]

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

2-11-13

Signature Of Plaintiff (Person Filing Complaint)

[Redacted]

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

2-11-13

Date

2-11-13

Signature

[Signature]

Deputy CSC
 Assistant CSC

Clerk of Superior Court
 Designated Magistrate

Name Of Plaintiff (Type Or Print)

[Redacted]

Date My Commission Expires

Notary

County Where Notarized

SEAL

STATE OF NORTH CAROLINA

Court File No. 13CV0181

Surry County

2013 FEB 11 AM 9:34

In The General Court Of Justice
District Court Division

Name And Address Of Plaintiff SURRY COUNTY, O.S.C.



AFFIDAVIT
AS TO
STATUS OF
MINOR CHILD

G.S. 50A-209

VERSUS

Name And Address Of Defendant

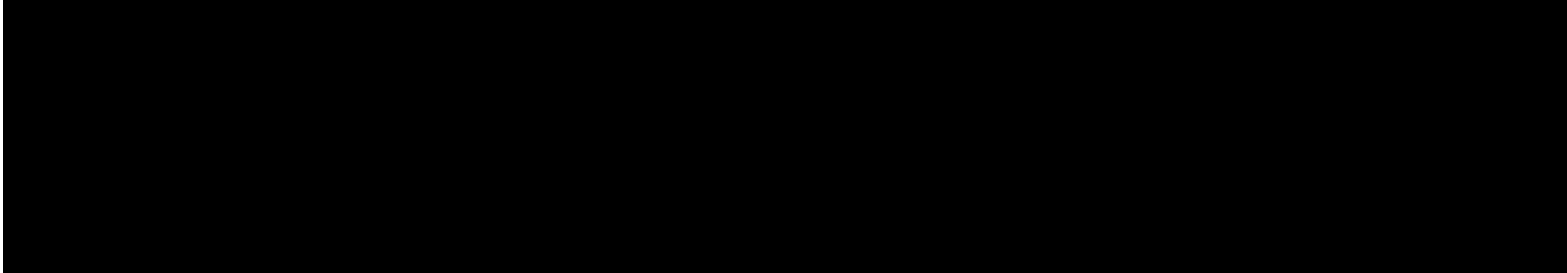
Matthew W. Leber
144 Freeman Ridge Trl.
Pilot Mtn, NC 27041

Name Of Minor Child



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

Period Of Residence	Address	Name Of Person Lived With	Present Address Of Person
From To			



I further say that: (Check those that apply)

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

Capacity As Participant	Name And Address Of Court
Date Of Child Custody Determination	Case No.

Details

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

Name And Address Of Court	Details
---------------------------	---------

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

Name And Address Of Person	<input type="checkbox"/> Physical Custody <input type="checkbox"/> Claimed Custody <input type="checkbox"/> Visitation Rights
----------------------------	---

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Date 2-11-13

Date 2-11-13 Signature Of Person Authorized To Administer Oaths Malissa Welch

Deputy CSC Assistant CSC Clerk Of Superior Court

Notary Date Commission Expires

SEAL County Where Notarized



STATE OF NORTH CAROLINA

Court File No. 13CVD 181

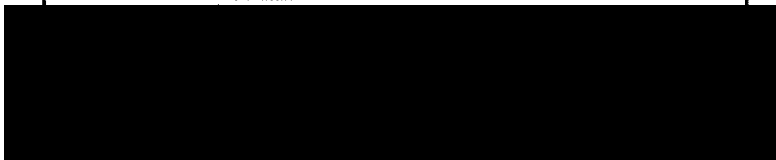
Surry

County

FILED

In The General Court Of Justice
District Court Division

Name And Address Of Plaintiff



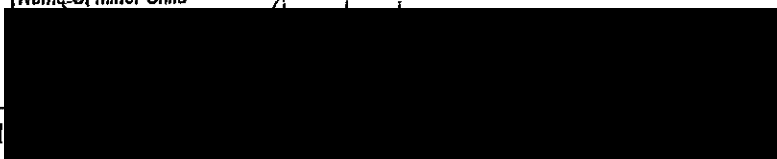
AFFIDAVIT
AS TO
STATUS OF
MINOR CHILD

G.S. 50A-209

Name And Address Of Defendant

Matthew W. Leber
144 Freeman Ridge Trl.
Pilot Mtn. NC 27041

Name Of Minor Child



I, the undersigned affiant, being first duly sworn, say that d
lived as follows:

Period Of Residence

Name Of Person

Present Address



I further say that; (Check those that apply)

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

Capacity As Participant

Name And Address Of Court

Date Of Child Custody Determination

Case No.

Details

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

Name And Address Of Court

Details

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

Name And Address Of Person

- Physical Custody
- Claimed Custody
- Visitation Rights

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Date

2-11-13

Date

Signature Of Person Authorized To Administer Oaths

2/11/13 Melissa Welch

Deputy CSC

Assistant CSC

Clerk Of Superior Court

Name Of Affiant (Type Or Print)

Notary

Date Commission Expires

SEAL

County Where Notarized

Relationship To Above Named Child

STATE OF NORTH CAROLINA

File No.

3CVD181

Surry

County

In The General Court Of Justice
District Court Division

Name Of Defendant

Matthew W. Leber

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

144 Freeman Ridge Trk, C.S.C.

City

Pilot Mtn.

State

NC 27041

IDENTIFYING INFORMATION
ABOUT DEFENDANT
DOMESTIC VIOLENCE ACTION

G.S. 50B-3(d)

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

4-5-73

Race:

White

Black

Indian

Asian/Pacific Islander

Other

Sex:

Male

Female

Height

6'0

Weight

197

Hair Color

Brown

Eye Color

Blue

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: NC Number:

Vehicle description and license plate number: White Ford F-150 Diesel

Social Security No. Of Defendant

Telephone No. Of Defendant

336-368-0009

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:

Has numerous guns

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

Original-Court File Copy-Sheriff

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