

STATE OF NORTH CAROLINA

File No.

18 CVD 142

McDowell County

FILED

In The General Court Of Justice
District Court Division

Name Of Plaintiff/Victim

Donita Plemmons

Name Of Person Filing On Behalf Of Minor Or Incompetent Victim

72 Emerald Dr. Old Fort, NC

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

28762

2018 FEB 26 A 9:37

McDOWELL CO., NC

COMPLAINT FOR
NO CONTACT ORDER
FOR STALKING
OR NONCONSENSUAL SEXUAL
CONDUCT

VERSUS

Name And Address Of Defendant

Tonia Hampton

G.S. 50C-2

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

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

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

On Thursday, February 22, I received a forwarded message from Mrs. Hampton threatening to sue me for slander, bashing, and "deformation", none of which is applicable to me. I chose to ignore the message. We own Top Fuel Grill in Old Fort and were busy with lunch. At 2:28pm, Mrs. Hampton called the Grill from the Register of Deeds office. I answered the phone and she began to verbally attack me. She cussed me and verbally abused me on speakerphone from the county office in front of 2 of my kids and my husband. I tried to stank my aranc

(continued)

As Ms. Hampton lives in the same town as me, I have been very anxious and nervous all weekend. After being attacked on the phone, I came to the magistrate's office to see what I needed to do to file a complaint. I was told I would have to wait for today (2-26) because there was no judge to hear it.

I am still not aware of Ms. Hampton's reasons for attacking me. She claims I was bashing her and her husband (the mayor of Old Fort) and she was sick of it. As I am aware of my 1st Amendment rights, I still never spoke any words that included her or her husband's name. That is not my style - my husband and I are trying to build our business in Old Fort, not destroy it. I do not feel it is right to roll over and let Ms. Hampton get by with bullying me or my family and friends. I have the forwarded texts and picture of the caller ID where she called from the Register of Deeds office.

Thank you for your time and consideration in this matter. - Donita Remmons

STATE OF NORTH CAROLINA

FILED

File No.

18 CVD 142

McDowell

County

In The General Court Of Justice
District Court Division

2018 FEB 26 PM 12:21

Name Of Plaintiff

Donita Plemmons
72 Emerald Dr.
Old Fort, NC 28762

McDOWELL CO., G.S.C.

BY

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

G.S. 50C-3, -7

Name Of Defendant

Tonia Hampton

To The Defendant Named Above

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

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

Date Of Hearing

3-5-18

Time Of Hearing

900 ☒ AM ☐ PM

Date

2-26-18

Location Of Hearing

Criminal District Court

Signature

☐ Deputy CSC☒ Assistant CSC☐ Clerk Of Superior Court

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

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

CERTIFICATE OF SERVICE

I certify that on the date of mailing shown below a copy of this Notice was served on the defendant at the address listed above by depositing a copy in a post-paid, properly addressed envelope in a post office or official depository under the exclusive care and custody of the United States Postal Service.

Date Of Mailing

Date Of Certification

Signature Of Plaintiff

STATE OF NORTH CAROLINA

McDowell

County

File No.

18 CVD142

In The General Court Of Justice
District Court Division

Name And Address Of Plaintiff

Donita Plemmons
72 Emerald Dr.
Old Fort, NC 28762

VERSUS

Name And Address Of Defendant

Tonia Hampton

BY

FILED

2018 FEB 26 P 12:12

MCDOWELL CO., C.S.C.

TEMPORARY
NO-CONTACT ORDER
FOR STALKING OR
NONCONSENSUAL SEXUAL CONDUCT☒ Ex Parte

G.S. 50C-6

FINDINGS

The Court hereby finds that:

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

Defendant alleged to have threatened the Plaintiff on two separate occasions, causing Plaintiff emotional distress.

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

- ☒ 3. This Order is entered after notice has been provided to the defendant. Present at the hearing were:

☒ the plaintiff, represented by herself

☐ the defendant, represented by _____

- ☒ 4. The plaintiff has suffered unlawful conduct by the defendant in that:

Defendant is alleged to have threatened and harassed the Plaintiff on two separate occasions.

- ☐ 5. Other:

CONCLUSIONS

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

(Over)

STATE OF NORTH CAROLINA

File No.

18 CVD 142

McDowell County

In The General Court Of Justice

Name And Address Of Plaintiff

Donita Plemmons

72 Emerald Dr.
Old Fort, NC 28762

FILED

2018 FEB 26 A 9:37

VERSUS

SERVICEMEMBERS CIVIL RELIEF ACT
AFFIDAVIT

Name And Address Of Defendant

Tonia Hampton

MCDOWELL CO., C.S.C.

BY

50 U.S.C. 3901 to 4043

NOTE: This form is not for use in Chapter 45 Foreclosure actions.

AFFIDAVIT

I, the undersigned Affiant, under penalty of perjury declare the following to be true:

1. As of the current date: (check one of the following)

- ☐ a. I have personal knowledge that the defendant named above is in military service.*
☐ b. I have personal knowledge that the defendant named above is not in military service.*
☐ c. I am unable to determine whether the defendant named above is in military service.*

2. (check one of the following)

- ☐ a. I used the Servicemembers Civil Relief Act Website (<https://scra.dmdc.osd.mil/>) to determine the defendant's military status.
☐ The results from my use of that website are attached.

(NOTE: The Servicemembers Civil Relief Act Website is a website maintained by the Department of Defense (DoD). If DoD security certificates are not installed on your computer, you may experience security alerts from your internet browser when you attempt to access the website. DoD security certificates were automatically added to the computers of all Judicial Branch users, such that these users should not expect security alerts to appear with this website after July of 2015. As of June 22, 2016, the Servicemembers Civil Relief Act Website includes the following advice: "Most web browsers don't come with the DoD certificates already installed. The best and most secure solution is for the user to install all of the DoD's public certificates in their web browser.")

- ☒ b. I have not used the Servicemembers Civil Relief Act Website and the following facts support my statement as to the defendant's military service: (State how you know the defendant is not in the military. Be specific.)

Ms. Hampton is currently employed as the
McDowell County Register of Deeds and
resides in Old Fort.

*NOTE: The term "military service" includes the following: active duty service as a member of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard; service as a member of the National Guard under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days for purposes of responding to a national emergency; active service as a commissioned officer of the Public Health Service or of the National Oceanic and Atmospheric Administration; any period of service during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause. 50 U.S.C. 3911(2).

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Date

2-26-2018

Date

2-26-18

Signature Of Affiant

Donita E. Plemmons

Signature Of Person Authorized To Administer Oaths

[Signature]

Name Of Affiant (type or print)

Donita E. Plemmons

☐ Deputy CSC ☒ Assistant CSC ☐ Clerk Of Superior Court ☐ Magistrate

SEAL

☐ Notary

Date My Commission Expires

NOTE TO COURT: Do not proceed to enter judgment in a non-criminal case in which the defendant has not made an appearance until a Servicemembers Civil Relief Act affidavit (whether on this form or not) has been filed, and if it appears that the defendant is in military service, do not proceed to enter judgment until such time that you have appointed an attorney to represent him or her.

(Over)

SHERIFF DUDLEY GREENE

McDowell County Sheriff's Department
Marion, NC 28752 (828)-652-2235

In an effort to better serve the Plaintiff, involved in Magistrate & Civil Summons, more information is needed in order to locate the Defendant. Although all of the information requested may not be available. Please complete as much of the questionnaire as possible. Providing our department with detailed & accurate information enables us to serve your papers more promptly. Return this completed form to the Clerk of Superior Court office with your complaint and summons.

INFORMATION PERTAINING TO THE DEFENDANT

(DEFENDANTS = THOSE WHO WILL BE DEFENDING THE COMPLAINT FILED AGAINST THEM)

NAME: ~~Jeff Plemmons~~ ^{Operr} Tonia Hampton AGE: _____

STREET ADDRESS: _____

CITY: Old Fort STATE: NC ZIP: 28762

HOME PHONE: _____ WORK PHONE: (828) 652-4727

EMPLOYER: McDowell County Register of Deeds Office

DIRECTIONS TO DEFENDANT'S HOME: _____

ADVISE IF: HOUSE () MOBILE HOME () APARTMENT () OTHER ☒

Time of day Defendant or an adult who resides with defendant will most likely be home (ex. Evening Mon-Fri after 6:00 pm)

INFORMATION PERTAINING TO PLAINTIFF:

NAME: Donita Plemmons

STREET ADDRESS: 72 Emerald Drive

CITY: Old Fort STATE: NC ZIP: 28762

HOME PHONE: (828) 460-3399 WORK PHONE: (828) 668-1300