

STATE OF NORTH CAROLINA

BUNCOMBE COUNTY

907
FILED

File No. 11 CVD 92

Film No.

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

Plaintiff Name

JAMIE CHRISTINE MCKAY

2011 APR 18 PM 2:50

BUNCOMBE CO., C.S.C.

Address

BY _____

CIVIL SUMMONS

GS 1A-1, Rules 3,4

VERSUS

* Alias and Pluries Summons

Defendant Name

RYAN JOHN McELRATH

Date Last Summons Issued
01/04/2011

*Disregard this section unless the block is checked

RECEIVED
2011 APR 19 AM 8:57
BUNCOMBE COUNTY
SHERIFF'S OFFICE

TO:

Name & Address of First Defendant

Ryan John McElrath
[REDACTED]

Alternate Address / Work:

Ryan John McElrath
c/o [REDACTED]

Dirca

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 his/her attorney within thirty (30) days after your have been served. You may serve your Answer by delivering a copy to him/her or by mailing it to the 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 the Plaintiff

MARY ELIZABETH ARWOOD

ASHEVILLE, NC 28801

Date Issued 4-18-11

Time Issued 7:50pm

Signature *[Signature]*

Deputy CSC Assistant CSC CSC

() 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 thirty (30) days.

Date of Endorsement

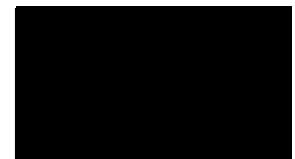
Time

Signature

Deputy CSC

Assistant CSC

CSC



RETURN OF SERVICE

I certify that this Summons and a copy of the Complaint and Notice of Hearing were received and served as follows:

Defendant 1.

Date served

4/26-11

Name of Defendant RYAN JOHN McELRATH

Ryan McElrath

() 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.

() As the Defendant is a corporation, service was effected by delivering a copy of the Summons and Complaint to the person named below.

Name and address of person with whom copies left (if corporation give title of person copies left with)

Ryan McElrath

() Other manner of service (specify)

() Defendant WAS NOT served for the following reason.

Defendant 2.

Date served

Name of Defendant

() By delivering to the Defendant named above a copy of the Summons and Complaint.

() By leaving a copy of the Summons and Complaint at the dwelling house or usual place of abode of the Defendant named above with a person of suitable age and discretion then residing therein.

() As the Defendant is a corporation, service was effected by delivering a copy of the Summons and Complaint to the person named below.

Name and address of person with whom copies left (if corporation give title of person copies left with)

() Other manner of service (specify)

() Defendant WAS NOT served for the following reason.

Service Fee Paid \$

Date Received 4-19-11

Name of Sheriff Don Dunne

By

Date of Return 4/26/11

County Boone

Deputy Sheriff Making Return S. Wildes

FILED

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
2011 JAN -4 PM 4:18 DISTRICT COURT DIVISION
COUNTY OF BUNCOMBE BUNCOMBE COUNTY, C.S.C.

JAMIE CHRISTINE MCKAY,
Plaintiff,

vs

RYAN JOHN McELRATH,
Defendant.

W
COMPLAINT

NOW COMES Plaintiff, complaining of Defendant, and alleges and says as follows:

1. That Plaintiff is a citizen and resident of Buncombe County, North Carolina.
2. That Defendant is a citizen and resident of Buncombe County, North Carolina.
3. That Plaintiff and Defendant were not married to one another, but had a dating relationship.
4. That there was a child born to the parties, to wit: Miah Christine McElrath, born October 3, 2010.
5. That Plaintiff is a fit and proper person to have the care, custody and control of the minor child born to the parties and it would be in the best interest of said minor child for her primary care, custody and control to be placed with Plaintiff.
6. That the parties have not participated in litigation concerning the custody of their minor child and further, Plaintiff has no information of a custody proceeding concerning the above-named child pending in a Court in this or any other state; Plaintiff knows of no other person who has physical custody or claims to have custody or visitation rights with respect to the above-named children.
7. That the minor child has resided continuously in North Carolina since the time of her birth.
8. That it would be in the best interest of the minor child for Defendant to be awarded supervised visitation with the minor child at this time; that the supervised visitation should take place at the Family Visitation Center.
9. That Defendant is not responsible and is not in a position to provide a stable environment for the minor child at this time;

that Defendant has history of alcohol/drug abuse and criminal activity and Plaintiff has concerns about the safety of the minor child in Defendant's care.


10. That prior to unsupervised visitation being ordered, Defendant should be required to participate and complete parenting classes, to have an alcohol and drug assessment and to comply with all treatment recommendations; that Defendant should further be restrained from being under the influence of alcohol or drugs when visiting with the minor child and he should not drive the minor child in a vehicle unless he has a valid driver's license.

11. That Defendant has a history of driving while under the influence of alcohol and driving recklessly; that Defendant has a history of cocaine use and based upon information and belief Defendant has continued this type of activity even after the birth of his child.

WHEREFORE, Plaintiff respectfully prays the Court as follows:

1. That Plaintiff be awarded the care, custody, and control of the minor child of the parties.
2. That Defendant be allowed only supervised visitation with the minor child at this time, at the Family Visitation Center.
3. That Defendant be ordered to complete a parenting class and to submit to appropriate drug and alcohol assessments and testing and to comply with all treatment recommendations.
4. That further orders be entered as may be necessary to insure that the minor child is safe and that there be no harassment in the future.
5. For such other and further relief as to the Court may seem just and proper.

This the 4 day of January, 2011.



MARY E. ARROWOOD
Attorney for Plaintiff
State Bar #10785

Asheville, N.C. 28801

VERIFICATION

JAMIE CHRISTINE MCKAY, after first being duly sworn, deposes and says as follows:

That I am the Plaintiff in the foregoing action; that I have read the attached pleading and know the contents thereof and that same is true to my knowledge, except as to those things alleged upon information and belief, and as to those matters and things, I believe them to be true.

This the 20 day of December, 2010.

Jamie C McKay
JAMIE CHRISTINE MCKAY

SWORN TO AND SUBSCRIBED before me this the 20 day of December, 2010.

Amanda J. Ray
NOTARY PUBLIC
Amanda J. Ray

Commission Expires: 7/20/15