NORTH CAROLINA                         IN THE GENERAL COURT OF JUSTICE

                                                                                    DISTRICT COURT DIVISION

\_\_\_\_ COUNTY                                                       \_\_\_ CVD\_\_

\_\_\_\_\_\_,                   )

                                                            )

            Plaintiff,                                    )

                                                            )

v.                                                         )**CONSENT ORDER**

                                                            )

\_\_\_\_\_\_\_\_\_\_\_\_,                        )

                                                            )

            Defendant.                                )

            **THIS CAUSE** coming on for hearing and being heard by the undersigned Judge Presiding and Assigned to the \_\_\_\_\_\_ County Family Court, \_\_\_\_\_ County, North Carolina, on \_\_\_\_\_\_, 20\_\_\_\_, upon the Intervenor-Movants, \_\_\_\_\_\_ and \_\_\_\_\_ HOFFS Motion to Intervene.

            **AND IT APPEARING** that Defendant is represented by \_\_\_\_\_\_ of The Rosen Law Firm of Raleigh, North Carolina, and the Plaintiff is represented by \_\_\_\_\_\_ of Oliver & Oliver, PLLC of Raleigh, North Carolina.  The Intervenor-Movants are represented by \_\_\_\_\_\_ of Raleigh, North Carolina; and the parties have entered into the following Consent Order with the advice and assistance of counsel.

            **THEREFORE,**the Court adopts the parties Stipulations as its:

**FINDINGS OF FACT**

            1.         Plaintiff is a resident of \_\_\_ County, North Carolina, and has been for six months immediately preceding the institution of this action.

            2.         Defendant is a citizen and resident of \_\_\_\_\_ County, North Carolina.

            3.         The parties were married on or about \_\_\_\_\_, \_\_\_,   and separated on or about \_\_\_\_, 20\_\_.

            4.         Plaintiff and Defendant are the parents of \_\_, \_\_\_\_\_ and \_\_\_\_\_\_, all born \_\_\_\_, 20\_\_\_.

            5.         The Intervenor-Movants, \_\_\_\_\_ and \_\_\_\_\_\_\_\_, are the maternal grandparents of the minor grandchildren,\_\_\_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_\_\_\_.

            6.         The Intervenor-Movants are citizens and residents of the State of \_\_\_\_\_\_.

            7.         The Intervenor-Movants have asserted their right to become parties to this action pursuant to Rules 50-13.1, 50-13.5j, as well as Rules of Civil Procedure, Rule 24(a)(1) and Rule 24(b)(1); Intervenor-Movants further asserted their rights to become a party in this action due to the consent of both parties as evidence by the Consent Order entered on or about \_\_\_\_\_\_, 20\_\_\_.

            8.         The minor grandchildren have a substantial relationship with their maternal grandparents.  The minor children have resided with the Plaintiff and Defendant since their birth.

            9.         The Defendant in this matter was diagnosed with Cancer in \_\_\_\_\_, 20\_\_\_\_. While Defendant has responded well to treatment and is at the moment deemed to be cancer-free, one is not professionally proclaimed cancer-free until a period of five years has lapsed.  Notwithstanding the hopes and expectations concerning Defendant continued good health, in an abundance of caution Defendant and Movants are anxious to maintain the close and meaningful relationship heretofore established with the three (3) boys.

            10.       All of the parties to this action have agreed that the said maternal grandparents, the Intervenor-Movants herein, shall be allowed to intervene in this action and shall be parties to the within action.

            11.       It is the intent of the parties that maternal grandparents visitation shall not take place independent of Defendant consent during Defendant custodial time until the death of Defendant.

            12.       The parties agree that the maternal grandparents visitation shall be as Defendant allows during her custodial time.

            **BASED UPON** the Stipulations which the Court has adopted as its Findings of Fact, the Court makes the following:

**CONCLUSIONS OF LAW**

            1.         The parties are properly before the Court and the Court has jurisdiction of the subject matter of this action.

            2.         The terms of this Order have been entered into with the advice of counsel and by the Consent of the parties, who agree that the terms reflect their intentions.

            3.         The terms of this Order are enforceable by the contempt powers of the Court.

            **WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED** as follows:

            1.         The Intervenor-Movants herein, shall be allowed to intervene in this action and shall be parties to the within action.

            2.         Visitation shall not take place independent of Defendant consent during Defendant custodial time until the death of Defendant.

            3.         The maternal grandparents visitation shall be as Defendant allows during her custodial time.

            This  the         day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

                                                                        \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                                                                        Honorable \_\_\_\_\_\_\_\_

                                                                        District Court Judge Presiding/Assigned

**WE CONSENT TO THE ENTRY OF THE FOREGOING ORDER:**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_          \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_, Plaintiff                                \_\_\_\_\_\_\_\_\_, Defendant

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_          \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_, Attorney for Plaintiff                      \_\_\_\_\_\_, Attorney for Defendant

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_          \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_, Intervenor-Movant                       \_\_\_\_\_\_\_\_, Attorney for Intervenor

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_        \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_, Intervenor-Movant                     \_\_\_\_\_, Attorney for Intervenor