

Filing Forfeiture Set-Asides on NC eCourts

A Step-by-Step Guide for North Carolina Bail Agents

Questions? Call Lyne @ 919-612-1260

What is eFile and Serve?

eFile and Serve sends your filings to the court AND electronically serves them on the service contacts you select — the District Attorney and School Board Attorney.

ALL 100

NC counties are now
live on eCourts

NO FEE

to file a motion
to set aside

150

days from notice to
file your motion - except box 8
(box 8 = 30 days)

Step 0: Account Setup

Before you can file, create an account at:

<https://efilenc.tylertech.cloud/OfsEfsp/ui/landing>

Individual Account

Best for solo agents who file their own documents only.

Single user

Firm Account (Recommended)

Best for agencies with multiple agents.

Dummy Filing Attorney Setup:

First Name: **N/A – COURT PARTNER**

Last Name: **EFILER**

Bar Number: **999981**

Before You File: Gather Your Documents

You need TWO documents ready before you start:

1

Your Signed and completed Forfeiture Motion to Set Aside

(AOC-CR-213 — front AND back)

Complete the back of the forfeiture,
check the appropriate set-aside reason

Rule of 11 - items must be marked
before it's complete

2

Your Proof / Supporting Evidence

Examples: OFA returned served,
FTA stricken, charges disposed,
Surrender form, incarceration docs.

Download this from Portal first!

IMPORTANT: Your proof comes from the **criminal case side** in eCourts Portal — not the bond forfeiture case. The next two slides show you how to find and download it.

Accessing Your Proof from the Criminal Case

1

Go to eCourts Portal

<https://portal.nccourts.gov> — You don't have to have an account to access the Portal.

2

Search the Criminal Case

Enter the defendant's CRIMINAL case number (the CR number from the forfeiture notice), including the 3-digit county identifier.

3

Go to Case Events

Look for the specific event that supports your set-aside reason: OFA served, FTA stricken/OFA recalled, charges disposed, etc.

4

Download the Document

Click the document link to view/download the PDF. Save it to your computer — you will upload this as your proof.

TIP: Save the proof PDF with a clear filename (e.g., "Smith_OFA_Served_Wake.pdf") so you can find it easily during the filing process.

What Proof Do You Need? (By Set-Aside Reason)

Set-Aside Reason	What to Look for	Statute
Box 1 - FTA stricken / OFA recalled	Court order striking FTA and recalling OFA –Both! One usually doesn't work.	§544.5(b)(1)
Box 2 - Charges disposed	Disposition record (not VL)	§544.5(b)(2)
Box 3 - Defendant surrendered	Surrender form (AOC-CR-214)	§544.5(b)(3)
Box 4 - OFA served on defendant	OFA returned served	§544.5(b)(4)
Box 5 - Defendant deceased	Death certificate	§544.5(b)(5)
Box 6 - Incarcerated in a NC prison serving a sentence	Incarceration records showing defendant was serving a sentence at time of FTA	§544.5(b)(6)
Box 7 - Defendant in jail within the borders of the US	Send written notice to DA informing him or her that defendant is in jail, with proof. If defendant is still in jail after 10 days, file forfeiture with copy of letter to DA and proof defendant is still in jail 10 days later.	§544.5(b)(7)
Box 8 - Improper forfeiture notice – YOU MUST FILE WITHIN 30 DAYS OF DATE NOTICE GIVEN – NOT 150 DAYS!!!	If Date Notice Given is over 30 days after Failure to Appear date per §544.4(e) file Box 8 within 30 days of Date Notice Given – Only 30 days, 150 days won't work!	§544.5(b)(8)
Box 9 - Court refused to issue OFA	Court record of refusal	§544.5(b)(9)

G.S. 15A-544.5(b) — These are the ONLY grounds. No exceptions.

Step 1: Start Filing

- A** Log in to your eFile and Serve account at:
<https://efilenc.tylertech.cloud/OfsEfsp/ui/landing>
- B** On the Dashboard, click the "Start Filing" button.
- C** Select the Court Location of the case from the drop-down menu.
- D** Enter the Case Number exactly as it appears on your case documents, including County Identifier
- E** Click the Search button.

Steps 2–4: File Into Case

Step 2

Select the Case

Find into the civil case listed as case type "Bond Forfeiture." Click the Actions button on the right side and select "File Into Case." DO NOT EVER START A NEW CASE.

Step 3

Skip Two Pages

Skip the Case Information page — click "Parties" in the bottom right.

Skip the Parties page — only court personnel can change it — click "Filings."

Step 4

Add Filing

Click the "+ Add Filing" button to begin adding your motion.

Step 5: Edit Filing Details — Your Motion

A

Filing Type: Select “eFile and Serve” You must change it from Efile Only.

This files with the court AND serves the DA and SBA electronically.

B

Filing Code: Select "Motion"

Type "motion" in the search box — choose "Motion" from the dropdown. Do NOT select "Bond."

C

Optional Fields: Filing Description, Client Reference, Comments to Court

These are optional but can be helpful for your records. I usually put ‘Forfeiture Set Aside’ in the Filing Description and leave the rest blank.

D

Upload: Click "Select File" and upload your signed, completed forfeiture motion

This is your AOC-CR-213 — both front and back - 1 file, scanned to PDF.

E

Security: Choose "Public" from the dropdown

F

Click "Save"

FILING CODE = "MOTION" — Do NOT select "Bond" or any other filing code.

Steps 6–7: Upload Your Proof

Step 6

After saving your motion, click "Add More" to add your proof.

Step 7 — Upload Proof

1. Choose E-File and Serve.
2. Filing Code: "Supplemental Documentation"
4. Filing Description (Optional): Set-Aside Proof
3. Click "Select File" — upload the proof you previously saved (e.g., OFA returned served, FTA stricken, disposition record).
4. Security: Choose "Public" from the dropdown
5. Click "Save."

Steps 8–10: Service Contacts

Click the "Service" button at bottom right. You must need to serve THREE contacts:

1 Yourself

Associated Party:
Your name or the
bondsmen you're filing for

Click Add > Add Me
Select your name in
Associated Parties
Click Save

2 District Attorney

Associated Party:
State of North Carolina

Click Add > New Contact
Associated Party:
"State of North Carolina"
Enter DA's name and email
Check "Save to Firm List" (bottom left)
Click Save

3 School Board Attorney

Associated Party:
School Board Attorney

Click Add > New Contact
Associated Party:
"School Board Attorney"
Enter SBA's name and email
Check "Save to Firm List" (bottom left)
Click Save

IF "SCHOOL BOARD ATTORNEY" IS NOT LISTED: In some counties, "School Board Attorney" may not appear in the Associated Parties dropdown. If so, select **"No Associated Parties"** and manually enter the SBA's name and email address. Click "OK" in the pop-up box. The filing will still be served on them.

Pro Tips: Service Contacts

Looking Up DA & SBA Email Addresses

Go to: [Membership Directory | North Carolina State Bar](#)

(<https://www.ncbar.gov/for-the-public/member-directory/>)

Enter the attorney's first and last name — no other info needed. Click their name to see their email address.

Copy and paste the email to avoid typos!

Don't Know Who the DA Is?

If you don't know the name of the District Attorney for the county, do a Google search for "[County Name] NC District Attorney" to find out their name. Then use the NC State Bar directory above to get their email address.

Save Time: Build Your Firm Contact List

Always check the "Save to my Firm Contact List" or "Save to My List" box when adding a new DA or SBA.

Next time, instead of "New Contact," choose "Firm List" for "My List" from the dropdown to pull up your saved contacts. **You still need to select the correct Associated Party each time.**

Step 11: Fees Page

There is NO filing fee for a motion to set aside — but you still must complete this section.

A

Click the "Fees" button in the lower right corner.

B

Choose your company or your name from the drop-down menu.

C

Party Responsible for Fees: Select the Defendant.

D

Filing Attorney: Choose "NC Court Partner E-filer" from the dropdown (if available). Or whatever is in the drop-down menu

E

Click "Calculate Fees" on the right side of the page.

Step 12: Review & Submit

REVIEW EVERYTHING BEFORE YOU HIT SUBMIT! Once submitted, you cannot undo it.

- A** Scroll down to the "Filings" section on the Summary page.
- B** Click the drop-down arrow (looks like a "V") on the right. Click 'Open Original Document' Your forfeiture should open. Verify your motion has no errors.
- C** Do the same for your proof — make sure it's the correct document.
- D** Scroll down to "Service" — double-check all email addresses for typos.
- E** Check the two confirmation boxes at the top of the page.
- F** After everything is verified, click "Submit." Take a picture of screenshot of the envelope.

After submission: You'll get a confirmation email, then a second email when the Clerk accepts the filing.

Key Deadlines to Remember

30 Days

from date notice was given

To file a motion for improper forfeiture notice – Box 8
(\$544.5(b)(8) only)

150 Days

from date notice was given

To file a motion to set aside for
all other grounds

20 Days

after service of motion

For DA or School Board to file
a written objection after being served

30 Days

after objection is filed

For DA or School Board Attorney to schedule an objection hearing to
be held within 30 days after the objection is filed.

If no motion is filed or pending by the 150th day, the forfeiture becomes a FINAL JUDGMENT.

Bond C

G.S. 15A-544.5(f) — Set Aside Prohibited

No forfeiture may be set aside for ANY reason if:

The surety or bail agent had actual notice before executing the bond that the defendant had already failed to appear on **two or more prior occasions** in the same case.

"Actual notice" is specifically defined as two or more FTAs indicated on the defendant's release order by a judicial official.

If no one files a written objection within 20 days of being served with your motion, the clerk **must** enter an order setting aside the forfeiture. G.S. 15A-544.5(d)(4).

Quick Reference: Filing Checklist

- ☐ Download your proof from the CRIMINAL case in eCourts Portal
- ☐ Complete and sign your AOC-CR-213 motion
- ☐ Log in to eFile & Serve — click Start Filing
- ☐ Search by Court Location + Case Number — File Into Case
- ☐ Skip Case Information — Skip Parties — click Filings
- ☐ Add Filing: eFile and Serve + Filing Code = MOTION — upload motion — Public — Save
- ☐ Add More: eFile and Serve + Filing Code = SUPPLEMENTAL DOCUMENTATION —upload proof — Public — Save
- ☐ Service: Add yourself + DA (State of NC) + School Board Attorney
- ☐ Fees: Your company or you + Defendant responsible + NC Court Partner E-filer + Calculate
- ☐ Summary: Review docs, check emails, check boxes — SUBMIT

Helpful Resources

eFile & Serve Login

<https://efilenc.tylertech.cloud/OfsEfsp/ui/landing>

eCourts Portal (case lookup)

<https://portal.nccourts.gov>

**NC State Bar Directory
(DA/SBA email lookup)**

<https://www.ncbar.gov/for-the-public/member-directory/>

County Codes List

<https://www.nccourts.gov/assets/documents/publications/County-CodesNumbers.pdf>

eCourts Training Hub

<https://www.nccourts.gov/ecourts>