

NORTH CAROLINA
10th JUDICIAL DISTRICT
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
_____-CVD-_____

_____ Plaintiff
-v-
_____ Defendant

**EQUITABLE DISTRIBUTION
AFFIDAVIT
FOR**

PLAINTIFF **DEFENDANT**

The undersigned affiant, after being duly sworn as shown below, states as follows:

I AM THE PLAINTIFF in this matter and I have prepared this Equitable Distribution Affidavit in accord with the Wake County Family Court Rules – Domestic and in accord with G.S. 50-21.

The attached list of property and debts labeled **Wife** **Husband** are all the assets and liabilities accumulated and/or owned on the date of separation (DOS) or acquired since the DOS and prior to the completion of this document to the best of my knowledge as of the date of the signing of this Affidavit.

I have read and understand the "Instructions" which accompany this Affidavit, and the information contained in this Affidavit is true, accurate, and complete to the best of my ability. I have made a full and complete disclosure of all marital, divisible and separate property/debts known to me. I have provided my best estimate as to the date of separation and present value of all assets and debts.

This the _____ day of _____ 20____.

Name (Plaintiff)

_____ County, North Carolina

I certify that _____ personally appeared before me this day, and acknowledged to me he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

Date: _____

_____, Notary Public
(Notary's printed name)

My Commission Expires: _____

The undersigned affiant, after being duly sworn as shown below, states as follows:

I AM THE DEFENDANT in this matter and I have prepared this Equitable Distribution Affidavit in accord with the Wake County Family Court Rules – Domestic and in accord with G.S. 50-21.

The attached list of property and debts labeled **Wife** **Husband** are all the assets and liabilities accumulated and/or owned on the date of separation (DOS) or acquired since the DOS and prior to the completion of this document to the best of my knowledge as of the date of the signing of this Affidavit.

I have read and understand the "Instructions" which accompany this Affidavit, and the information contained in this Affidavit is true, accurate, and complete to the best of my ability. I have made a full and complete disclosure of all marital, divisible and separate property/debts known to me. I have provided my best estimate as to the date of separation and present value of all assets and debts.

This the _____ day of _____ 20____.

Name (Defendant)

_____ County, North Carolina

I certify that _____ personally appeared before me this day, and acknowledged to me he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

Date: _____

_____, Notary Public
(Notary's printed name)

My Commission Expires: _____

INSTRUCTIONS TO PARTIES FOR COMPLETION OF EQUITABLE DISTRIBUTION AFFIDAVIT

1. READ THESE INSTRUCTIONS CAREFULLY. Your Affidavit must be fully and accurately prepared. Submission of this Affidavit is required by the Wake County Family Court Rules – Domestic. A copy of the Rules is available on the website for the North Carolina Administrative Office of the Courts at <http://www.nccourts.org/Courts/CRS/Policies/LocalRules/Default.asp> . Please refer to Rule 11: “Equitable Distribution Claims” regarding the preparation of this Affidavit. If you are not represented by counsel, you should obtain a copy of the Domestic Rules so that you comply with them and assure that you do not prejudice your case. Your interests in this lawsuit will be harmed if your Affidavit does not contain all the information required and if that information is not accurate. If you are not represented by an attorney, the Wake County Family Court Rules – Domestic apply equally to you and it is your responsibility to fully comply with these instructions.
2. READ THE AFFIDAVIT FORM THOROUGHLY AND CAREFULLY. If you have any questions or are unsure how to list certain information, ask your attorney first so that your Affidavit will be complete and correct before it is placed in final typed form. Failure to fully comply with these instructions may result in sanctions being imposed against you by the Court.
3. The Affidavit, when served on the opposing party or attorney, must be typed and must substantially conform to this form. Your signature must be notarized.
4. With regard to the mechanics of filling out the Affidavit, on each page you need to complete the information asked for on each page, including writing in your Date of Marriage beside the “DOM” and writing in your Date of Separation beside “DOS”.
5. Each individual item must be listed separately. You must list the items under the appropriate categories as set forth in the “Schedules”. If you have additional property that needs to be listed on a particular schedule, please add additional pages as necessary to give complete information about your property. You may omit sections or categories of assets that are not included in your case.
6. The moving party must deliver, in person or by mail, a copy of the original, typed Equitable Distribution Affidavit on the attorney representing the opposing party or to the opposing party directly if he/she is representing him/herself no later than 20 days prior to the Final Pretrial Conference. The responding party shall serve his/her Equitable Distribution Affidavit within 10 days of receipt of the moving party’s Affidavit, but no later than 10 days prior to the Final Pretrial Conference. **THIS DEADLINE IS IMPORTANT AND FAILURE TO COMPLY WITH THE DEADLINE MAY RESULT IN THE IMPOSITION OF SANCTIONS.** This Affidavit should not be filed with the Court; however, the Certificate of Service, at the end of this document, shall be filed with the Court.
7. **THIS AFFIDAVIT MUST BE COMPLETED BY BOTH PARTIES AND THE SAME FORM IS TO BE USED BY BOTH PARTIES.** In addition to serving the opposing counsel (or party, if not represented) with a hard copy of the completed Affidavit via personal delivery or mail, the moving party must also submit a completed Affidavit to opposing counsel (or party, if not represented) electronically by e-mail or by service of a disk or CD, if an e-mail address is not known or available. The responding party must complete the Affidavit served by the moving party within the time prescribed by these instructions. Following completion, the responding party shall serve the moving party with a hard copy of the completed Affidavit via personal delivery or mail, as well as submitting the completed Affidavit electronically by e-mail or by service of a disk or CD, if an email address is not known or available.
8. The second party to serve their Affidavit must follow the same order of listing the assets as the original filing party and must list each item under the appropriate category as set forth in the “Schedules”. Rule 11 requires the moving party to submit an electronic copy of the completed Affidavit on the responding party. The responding party shall use this form and fill in his/her information in the appropriate categories. If the first party fails to list an asset/debt on their Affidavit, the second party would list the “missing” item at the bottom of the list, on that schedule. A failure to sequentially follow the classification scheme will result in the Court and counsel needlessly consuming time as they compare the Plaintiff’s and Defendant’s Affidavits for information containing the same asset. Under the “Contentions” section list out any information that you feel is relevant and should be considered by the Court regarding the asset/debt relating to the classification, value or distribution of each item of property or debt. (For example, if you claim the described property was purchased with your separate property.)

9. This Affidavit is intended to be a supplement to the Equitable Distribution Inventory previously prepared by the parties. Pursuant to Wake County Family Court Rule 11.7, a Final Equitable Distribution Affidavit, with both parties' contentions shall be presented to the assigned Judge at the Final Pretrial Conference.
10. The following are the statutory definitions for "Marital", "Separate", and "Divisible" Assets:
- a. "Marital property" means all real and personal property acquired by either spouse or both spouses during the course of the marriage and before the date of the separation of the parties, and presently owned, except property determined to be separate property or divisible property. Marital property also includes all vested and nonvested pension, retirement, and other deferred compensation rights, and vested and nonvested military pensions eligible under the Federal Uniformed Services Former Spouses' Protection Act. It is presumed that all property acquired after the date of marriage and before the date of separation is marital property except property which is separate property.
 - b. "Separate property" means all real and personal property acquired by a spouse before marriage or acquired by a spouse by bequest, devise, descent, or gift during the course of the marriage. However, property acquired by gift from the other spouse during the course of the marriage shall be considered separate property only if such an intention is stated in the conveyance. Property acquired in exchange for separate property shall remain separate property regardless of whether the title is in the name of the husband or wife or both and shall not be considered to be marital property unless a contrary intention is expressly stated in the conveyance. The increase in value of separate property and the income derived from separate property shall be considered separate property. All professional licenses and business licenses which would terminate or transfer shall be considered separate property.
 - c. "Divisible property" means all real and personal property as set forth below:
 - i. All appreciation and diminution in value of marital property and divisible property of the parties occurring after the date of separation and prior to the date of distribution, except that appreciation or diminution in value which is the result of postseparation actions or activities of a spouse shall not be treated as divisible property.
 - ii. All property, property rights, or any portion thereof received after the date of separation but before the date of distribution that was acquired as a result of the efforts of either spouse during the marriage and before the date of separation, including, but not limited to, commissions, bonuses, and contractual rights.
 - iii. Passive income from marital property received after the date of separation, including, but not limited to, interest and dividends.
 - iv. Increases in marital debt and financing charges and interest related to marital debt.

11. This Affidavit is comprised of six Schedules, titled: SCHEDULE I: MARITAL ASSETS; SCHEDULE II: MARITAL DEBTS; SCHEDULE III: SEPARATE ASSETS; SCHEDULE IV: SEPARATE DEBTS; SCHEDULE V: DIVISIBLE PROPERTY ACQUIRED AFTER DATE OF SEPARATION; and SCHEDULE VI: CONTENTIONS FOR UNEQUAL DISTRIBUTION.

The following is a list of abbreviations used in this Affidavit:

FMV: Fair Market Value
DOS: Date of Separation
DOM: Date of Marriage
H: Husband
W: Wife

M: Martial Property
S: Separate Property
Jt: Joint (as in joint names listed on a title)
Poss.: Possession
Class.: Classification

12. If you require further information and/or guidance in the preparation of this Affidavit, you may refer to the North Carolina General Statutes, Chapter 50 and to the Wake County Family Court Rules -- Domestic.

SCHEDULE I: MARITAL ASSETS

See Schedules A-H below for a description of items to be listed on each individual schedule. You must state your contention as to the classification of each item listed. M = marital property. S = separate property. If you contend the asset is separate property, you must state whether you contend the asset is your separate property or the separate property of your spouse. Fair market value (FMV) means what you believe the property was worth on the date you and your spouse separated. DOS = date of separation.

A. REAL ESTATE

1. Primary Residence
2. Residential Rental
3. Property
4. Commercial/Business
5. Property
6. Recreational/Secondary Residence
7. Time Share
8. Other real estate and property

B. TRANSPORTATION, RECREATIONAL VEHICLES, AIRPLANES, AND ALL OTHER FORMS OF TRANSPORTATION

1. Automobiles
2. Trucks
3. Vans
4. Motorcycles
5. Boats
6. Water Crafts
7. Airplanes
8. Mobile Homes
9. Other forms of transportation

C. ALL FINANCIAL ACCOUNTS INCLUDING
BANK ACCOUNTS, STOCKS, BONDS
MUTUAL FUNDS AND STOCK OPTIONS

1. Checking Accounts
2. Savings Accounts/Share Accounts
3. Certificates of Deposit
4. Money Market Accounts
5. Common/Preferred Stocks
6. Bonds & Debentures
7. Stock Options
8. Mutual Funds/Mutual Fund Accounts
9. Commodities/Commodity Accounts
10. Cash in hand or held by others
11. Treasury Bills/Notes
12. Trusts
13. Other Financial/Brokerage Accounts

E. ARTWORK, METALS, AND OTHER
COLLECTABLES, JEWELRY AND ANIMALS

1. Artwork
2. Gold & Silver
3. Guns
4. Coins
5. Stamps
6. Furs
7. Jewelry
8. Records/CD's
9. Musical Instruments
10. Animals (horses, farm animals, animals raised for monetary gains, show animals, etc.)
11. Other Collectables

G. HOUSEHOLD GOODS AND EQUIPMENT

1. Furniture (including antiques)
2. Pictures, prints & other wall hangings (if not included on Schedule E)

D. RETIREMENT BENEFITS AND IRA ACCOUNTS

1. 401(k)/403(b) Plans
2. Keogh, SEP/IRA Plans
3. Annuities
4. Profit Sharing/Pension Plans
5. Deferred Compensation Plans
6. Defined Benefit
7. IRA's
8. Retirement Plans
9. All Other Retirement Benefits

F. BUSINESS INTERESTS AND INTELLECTUAL
PROPERTY

1. General Partnership Interest
2. Sole Proprietorship Interest
3. Stock Ownership Interest
4. Limited Liability
5. Partnership Interest
6. Limited Liability Company Interest
7. Professional Limited Liability Company Interest
8. Other Business Interests
9. Intellectual Properties (Patents, Copyrights, Trademarks)

H. OTHER ASSETS

1. Life Insurance
2. Other Insurance with cash value
3. Promissory Notes

- | | |
|--|---|
| <ul style="list-style-type: none"> 3. Appliances (washer, dryer, refrigerator), if not included with real estate 4. Electronics (including TV, VCR/DVD, Computers and equipment, stereo, video equipment, cameras, etc.) 5. Linens 6. Rugs 7. Books 8. Outdoor Furniture 9. Sporting Goods 10. Tools (hand tools & woodworking) 11. Lawnmowers & Yard Equipment 12. Silverware (if not listed on Schedule E) 13. China & Crystal 14. Other Household Items (not previously listed) | <ul style="list-style-type: none"> 4. Debts/Notes/Money Payable (<u>owed</u> to either party) 5. Other Income Producing Assets 6. Tax Refunds 7. Contents of Safety Deposit Box(es) (not otherwise listed) 8. Personal Injury/Insurance Claims 9. Other Miscellaneous Assets (not otherwise listed) 10. Frequent Flyer Miles 11. Country Club Memberships |
|--|---|

SCHEDULE II: MARITAL DEBTS

- 1. Secured Consumer Indebtedness: Loans secured by a lien on any property (real or personal) from any institutional lender, including but not limited to banks and credit unions.
- 2. Unsecured Consumer Indebtedness: Loans for which a signature is the only security offered from any institutional lender, including but not limited to banks and credit unions.
- 3. Credit Card Indebtedness: Visa, MasterCard, Discover, American Express and any retail store (including department stores, gasoline cards).
- 4. Family Indebtedness: Loans from non-institutional lenders, made for any purpose.
- 5. Business Indebtedness: Loans to any business for which you and/or your spouse are responsible for repayment or have personally guaranteed that the business will repay.
- 6. Other Indebtedness: Any other loans, debts or other indebtedness that you and/or your spouse are responsible for repayment or have personally guaranteed.

Date of Marriage: _____
 Date of Separation: _____

SCHEDULE I: MARITAL ASSETS
SCHEDULE A
REAL ESTATE

Specific Instructions for Schedule A: Within the description section for each asset listed, if known you must provide the street address, city and state and in what name the property is titled.

Item #	RESIDENTIAL REAL ESTATE (Description of property & how titled)	Current Possession	Wife NET value on DOS (FMV less 1st, 2nd mortgages and/or home equity line – show all amounts)	Wife Current NET value	W's Classification (M/S)	Husband NET value on DOS	Husband Current NET value	H's Classification (M/S)
A1.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								
A2.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								

SCHEDULE A (Continued)
REAL ESTATE

Item #	RESIDENTIAL REAL ESTATE (Description of property & how titled)	Current Possession	Wife NET value on DOS (FMV less 1st, 2nd mortgages and/or home equity line – show all amounts)	Wife Current NET value	W's Classification (M/S)	Husband NET value on DOS	Husband Current NET value	H's Classification (M/S)
A3.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								
A4.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								

Date of Marriage: _____
 Date of Separation: _____

SCHEDULE B
TRANSPORTATION, RECREATIONAL VEHICLES, AIRPLANES,
AND ALL OTHER FORMS OF TRANSPORTATION

Specific Instructions for Schedule B: Within the description section for each asset listed, please give a complete description of the vehicle, including make, model, year, how titled and a description of any liens on said vehicle.

Item #	Description of Transportation/ Vehicle; date acquired; how titled; liens	Current Poss.	Wife FMV Value on DOS	Wife Current FMV Value	W's Class.	Husband FMV Value on DOS	Husband Current FMV Value	H's Class.
B1.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								
B2.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								

SCHEDULE B (Continued)
TRANSPORTATION, RECREATIONAL VEHICLES, AIRPLANES,
AND ALL OTHER FORMS OF TRANSPORTATION

Item #	Description of Transportation/ Vehicle; date acquired; how titled; liens	Current Poss.	Wife FMV Value on DOS	Wife Current FMV Value	W's Class.	Husband FMV Value on DOS	Husband Current FMV Value	H's Class.
B3.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								
B4.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								
B5.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								

Date of Marriage: _____

Date of Separation: _____

SCHEDULE C

ALL FINANCIAL ACCOUNTS INCLUDING BANK ACCOUNTS, STOCKS, BONDS, MUTUAL FUNDS AND STOCK OPTIONS

Specific Instructions for Schedule C: Within the description section, if known you must provide the account number, how the account is titled, the name and address of the institution where the asset is held or, if held by a person, identify that person by full name and address.

Item #	Description of Account	Current Poss.	Wife FMV Value on DOS	Wife Current FMV Value	W's Class.	Husband FMV Value on DOS	Husband Current FMV Value	H's Class.
C1.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								
C2.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								
C3.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								

SCHEDULE C (CONTINUED)

ALL FINANCIAL ACCOUNTS INCLUDING BANK ACCOUNTS, STOCKS, BONDS, MUTUAL FUNDS AND STOCK OPTIONS

Item #	Description of Account	Current Poss.	Wife FMV Value on DOS	Wife Current FMV Value	W's Class.	Husband FMV Value on DOS	Husband Current FMV Value	H's Class.
C4.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								
C5.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								
C6.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								

Date of Marriage: _____
 Date of Separation: _____

SCHEDULE D
RETIREMENT BENEFITS AND IRA ACCOUNT'S

Specific Instructions for Schedule D: Within the description section, you must provide if known, the account number for all retirement accounts and IRA's; identify by name and address the provider of all retirement benefits; and identify the owner of the retirement benefit/account. Within the description section for each account/benefit listed, you must state whether the retirement account/benefit is a vested account/benefit.

Item #	Description of Account	Current Poss.	Wife FMV Value on DOS	Wife Current FMV Value	W's Class.	Husband FMV Value on DOS	Husband Current FMV Value	H's Class.
D1.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								
D2.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								
D3.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								
D4.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								

Date of Marriage: _____
 Date of Separation: _____

SCHEDULE D (CONTINUED)
RETIREMENT BENEFITS AND IRA ACCOUNT'S

Item #	Description of Account	Current Poss.	Wife FMV Value on DOS	Wife Current FMV Value	W's Class.	Husband FMV Value on DOS	Husband Current FMV Value	H's Class.
D5.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								
D6.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								
D7.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								
D8.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								

Date of Marriage: _____
 Date of Separation: _____

SCHEDULE E
ARTWORK, METALS, AND OTHER COLLECTABLES, JEWELRY AND ANIMALS

Specific Instructions for Schedule E: Within the description section, you must identify the person in possession of the asset and describe the asset with sufficient particularity for it to be identified by the opposing party.

Item #	Description of Asset	Current Poss.	Wife FMV Value on DOS	Wife Current FMV Value	W's Class.	Husband FMV Value on DOS	Husband Current FMV Value	H's Class.
E1.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								
E2.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								
E3.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								
E4.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								



Date of Marriage: _____

Date of Separation: _____

SCHEDULE F
BUSINESS INTERESTS AND INTELLECTUAL PROPERTY

Specific Instructions for Schedule F: Within the description section, you must provide a complete description of the asset and location, including name of business, type of business, address of business, and type of entity (whether incorporated, sole proprietorship, partnership, joint venture, etc.). Identify each partner/shareholder and the percentage of ownership for each person so identified. For Intellectual Property, include all identifying information: office where registered, or patented, or where patent application is pending; patent number, trademark or copyright registration number; title, mark or trade name; brief description; dates filed and issued; original price or costs to create and to register; etc.

Item #	Description of Business Interest / Intellectual Property	Current Poss.	Wife FMV Value on DOS	Wife Current FMV Value	W's Class.	Husband FMV Value on DOS	Husband Current FMV Value	H's Class.
F1.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								
F2.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								
F3.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								

Date of Marriage: _____
 Date of Separation: _____

SCHEDULE G
HOUSEHOLD GOODS & EQUIPMENT

Specific Instructions for Schedule G: Within the description section, you must identify the asset with sufficient particularity for it to be identified by the opposing party. Within the description section, for the purposes of this Affidavit, you may describe property in groups (e.g. master bedroom furniture). If either party requests, additional identification will be required. It is not a sufficient description for this Affidavit to merely state: "household furnishings."

Item #	Description of Item / Asset	Current Poss.	Wife FMV Value on DOS	Wife Current FMV Value	W's Class.	Husband FMV Value on DOS	Husband Current FMV Value	H's Class.
G1.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								
G2.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								
G3.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								

SCHEDULE G (CONTINUED)
HOUSEHOLD GOODS & EQUIPMENT

Item #	Description of Item/Asset	Current Poss.	Wife FMV Value on DOS	Wife Current FMV Value	W's Class.	Husband FMV Value on DOS	Husband Current FMV Value	H's Class.
G4.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								
G5.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								
G6.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								
G7.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								
G8.								
Wife's Contentions and Divisible Property Issues:								

Husband's Contentions and Divisible Property Issues:

SCHEDULE G (CONTINUED)
HOUSEHOLD GOODS & EQUIPMENT

Item #	Description of Item/Asset	Current Poss.	Wife FMV Value on DOS	Wife Current FMV Value	W's Class.	Husband FMV Value on DOS	Husband Current FMV Value	H's Class.
G9.								

Wife's Contentions and Divisible Property Issues:

Husband's Contentions and Divisible Property Issues:

G10.								
------	--	--	--	--	--	--	--	--

Wife's Contentions and Divisible Property Issues:

Husband's Contentions and Divisible Property Issues:

G11.								
------	--	--	--	--	--	--	--	--

Wife's Contentions and Divisible Property Issues:

Husband's Contentions and Divisible Property Issues:

G12.								
------	--	--	--	--	--	--	--	--

Wife's Contentions and Divisible Property Issues:

Husband's Contentions and Divisible Property Issues:

Date of Marriage: _____
 Date of Separation: _____

SCHEDULE H
OTHER ASSETS (not otherwise listed)

Specific Instructions for Schedule H: Within the description section for each insurance policy listed if known, you must state the type of insurance; the provider of the described insurance and policy number (if known); whether or not the insurance has any cash surrender value; how policy is titled; and the amount of the cash value. For each promissory note or other debt owing to either party, you must state the amount owed; the name and address of the person(s) owing the debt; and the terms of the note/debt. For any other assets, including tax refunds; contents of safety deposit box, or personal injury/insurance claims, give a complete description of the asset, including account/box location and number, source of funds; payment terms; and other identifying information.

Item #	Description of Asset	Current Poss.	Wife FMV Value on DOS	Wife Current FMV Value	W's Class.	Husband FMV Value on DOS	Husband Current FMV Value	H's Class.
H1.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								
H2.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								
H3.								
Wife's Contentions and Divisible Property Issues:								
Husband's Contentions and Divisible Property Issues:								

Date of Marriage: _____
 Date of Separation: _____

SCHEDULE II: MARITAL DEBTS

Specific Instructions Marital Debts: Within the description section for each debt listed, if known you must provide the name and address of the lender; the account number of the loan/debt; the nature/purpose of the debt; the identity of the person receiving the loan/incurred the debt; and describe the property which serves as security for the payment of the loan. In addition, under the comments section, list out any payments made by either party after the date of separation, including which party made the payments and the amounts.

Item #	Description of Debt	Wife Debt Owed on DOS	Wife Current Debt Owed	W's Class.	Husband Debt Owed on DOS	Husband Current Debt Owed	H's Class.
1.							
Wife's Contentions:							
Husband's Contentions:							
2.							
Wife's Contentions:							
Husband's Contentions:							
3.							
Wife's Contentions:							
Husband's Contentions:							

SCHEDULE II: MARITAL DEBTS (Continued)

Item #	Description of Debt	Wife Debt Owed on DOS	Wife Current Debt Owed	W's Class.	Husband Debt Owed on DOS	Husband Current Debt Owed	H's Class.
4.							
Wife's Contentions:							
Husband's Contentions:							
5.							
Wife's Contentions:							
Husband's Contentions:							
6.							
Wife's Contentions:							
Husband's Contentions:							
7.							
Wife's Contentions:							
Husband's Contentions:							

Date of Marriage: _____
Date of Separation: _____

SCHEDULE III: SEPARATE ASSETS

Specific Instructions for Separate Assets: For any asset/item, that has not previously been listed in this Affidavit that you contend is your separate property, or your spouses separate property, you must provide a complete description of the asset, including any account numbers, how the asset/account is titled, the name and address of the institution where the asset is held, or, if held by a person, identify that person by full name and address; the location of property/asset and you must identify the asset with sufficient particularity for it to be identified by the opposing party. In addition, under the comments section you must include your basis and contentions as to why it is a separate asset.

Item #	Description of Asset / Property	Current Poss.	Wife FMV Value on DOM and DOS	Wife Current FMV Value	W's Class.	Husband FMV Value on DOM and DOS	Husband Current FMV Value	H's Class.
1.								
Wife's Contentions:								
Husband's Contentions:								
2.								
Wife's Contentions:								
Husband's Contentions:								

SCHEDULE III: SEPARATE ASSETS (Continued)

Item #	Description of Asset / Property	Current Poss.	Wife FMV Value on DOM and DOS	Wife Current FMV Value	W's Class.	Husband FMV Value on DOM and DOS	Husband Current FMV Value	H's Class.
3.								
Wife's Contentions:								
Husband's Contentions:								
4.								
Wife's Contentions:								
Husband's Contentions:								
5.								
Wife's Contentions:								
Husband's Contentions:								
6.								
Wife's Contentions:								

Husband's Contentions:

Date of Marriage: _____

Date of Separation: _____

SCHEDULE IV: SEPARATE DEBTS

Specific Instructions for Separate Debts: For any debt, that has not previously been listed in this Affidavit that you contend is your separate debt, or your spouses separate debt, you must provide a complete description of the debt, including (if known) the name and address of the lender; the account number of the loan/debt; the nature/purpose of the debt; the identity of the person receiving the loan/incurred the debt; and describe the property which serves as security for the payment of the loan/debt. You must identify the debt with sufficient particularity for it to be identified by the opposing party. In addition, under the comments section you must include your basis and contentions as to why it is a separate debt and list out any payments made by either party after the date of separation, including which party made the payments and the amounts.

Item #	Description of Debt	Wife Debt Owed on DOM and DOS	Wife Current Debt Owed	W's Class.	Husband Debt Owed on DOM and DOS	Husband Current Debt Owed	H's Class.
1.							
Wife's Contentions:							
Husband's Contentions:							
2.							
Wife's Contentions:							
Husband's Contentions:							
3.							
Wife's Contentions:							

Husband's Contentions:

SCHEDULE IV: SEPARATE DEBTS (Continued)

Item #	Description of Debt	Wife Debt Owed on DOM and DOS	Wife Current Debt Owed	W's Class.	Husband Debt Owed on DOM and DOS	Husband Current Debt Owed	H's Class.
4.							

Wife's Contentions:

Husband's Contentions:

5.							
----	--	--	--	--	--	--	--

Wife's Contentions:

Husband's Contentions:

6.							
----	--	--	--	--	--	--	--

Wife's Contentions:

Husband's Contentions:

7.							
----	--	--	--	--	--	--	--

Wife's Contentions:

Husband's Contentions:



Date of Marriage: _____
 Date of Separation: _____

SCHEDULE V: DIVISIBLE PROPERTY ACQUIRED AFTER DATE OF SEPARATION

Specific Instructions for Divisible Property Acquired After Date of Separation: For any asset/item, that has not previously been listed in this Affidavit that you contend is property, property rights, or any portion thereof received after the date of separation but before the date of distribution that was acquired as a result of the efforts of either spouse during the marriage and before the date of separation, including, but not limited to, commissions, bonuses, and contractual rights, you must provide a complete description of the asset, including any account numbers, how the asset/account is titled, the name and address of the institution where the asset is held, or, if held by a person, identify that person by full name and address; the location of property/asset and you must identify the asset with sufficient particularity for it to be identified by the opposing party. In addition, under the comments section you must include your basis and contentions as to why it is divisible property acquired after date of separation.

Item #	Description of Asset / Property	Current Poss.	Wife FMV Value	W's Class.	Husband FMV Value	H's Class.
1.						
Wife's Contentions:						
Husband's Contentions:						
2.						
Wife's Contentions:						
Husband's Contentions:						

SCHEDULE VI: CONTENTIONS FOR UNEQUAL DISTRIBUTION

PLAINTIFF’S CONTENTIONS FOR AN UNEQUAL DISTRIBUTION OF MARITAL PROPERTY

List below factors for the Court to consider in determining whether an equal division of marital property is not equitable. **Plaintiff: Only complete this schedule if you are seeking an unequal division of marital property.** You need to provide a detailed explanation as to each specific factor listed in the order in which they are listed.

FACTORS	PLAINTIFF’S DETAILED EXPLANATION
1. The income, property, and liabilities of each party at the time the division of property is to become effective.	
2. Any obligation for support arising out of a prior marriage.	
3. The duration of the marriage and the age and physical and mental health of both parties.	
4. The need of a parent with custody of a child or children of the marriage to occupy or own the marital residence and to use or own its household effects.	
5. The expectation of pension, retirement, or other deferred compensation rights that are not marital property.	
6. Any equitable claim to, interest in, or direct or indirect contribution made to the acquisition of such marital property by the party not having title, including joint efforts or expenditures and contributions and services, or lack thereof, as a spouse, parent, wage earner, or homemaker.	
7. Any direct or indirect contribution made by one spouse to help educate or develop the career of the other spouse.	
8. Any direct contribution to an increase in the value of separate property which occurs during the course of the marriage.	
9. The liquid or nonliquid character of all marital property and divisible property.	
10. The difficulty of evaluating any component asset or any interest in a business, corporation or profession, and the economic desirability of retaining such asset or interest, intact and free from any claim or interference by the other party.	
11. The tax consequences to each party, including those federal and state tax consequences that would have been incurred if the marital and divisible property had been sold or liquidated on the date of valuation. The trial court may, however, in its discretion, consider whether or when such tax	

FACTORS	PLAINTIFF'S DETAILED EXPLANATION
consequences are reasonably likely to occur in determining the equitable value deemed appropriate for this factor.	
11.a. Acts of either party to maintain, preserve, develop, or expand; or to waste, neglect, devalue or convert the marital property or divisible property, or both, during the period after separation of the parties and before the time of distribution.	
<p>11.b. In the event of the death of either party prior to the entry of any order for the distribution of property made pursuant to this subsection:</p> <p>a. Property passing to the surviving spouse by will or through intestacy due to the death of a spouse.</p> <p>b. Property held as tenants by the entirety or as joint tenants with rights of survivorship passing to the surviving spouse due to the death of a spouse.</p> <p>c. Property passing to the surviving spouse from life insurance, individual retirement accounts, pension or profit-sharing plans, any private or governmental retirement plan or annuity of which the decedent controlled the designation of beneficiary (excluding any benefits under the federal social security system), or any other retirement accounts or contracts, due to the death of a spouse.</p> <p>d. The surviving spouse's right to claim an "elective share" pursuant to G.S. 30-3.1 through G.S. 30-33, unless otherwise waived.</p>	
12. Any other factor which the court finds to be just and proper.	

DEFENDANT’S CONTENTIONS FOR AN UNEQUAL DISTRIBUTION OF MARITAL PROPERTY

List below factors for the Court to consider in determining whether an equal division of marital property is not equitable. **Defendant: Only complete this schedule if you are seeking an unequal division of marital property.** You need to provide a detailed explanation as to each specific factor listed in the order in which they are listed.

FACTORS	DEFENDANT’S DETAILED EXPLANATION
1. The income, property, and liabilities of each party at the time the division of property is to become effective.	
2. Any obligation for support arising out of a prior marriage.	
3. The duration of the marriage and the age and physical and mental health of both parties.	
4. The need of a parent with custody of a child or children of the marriage to occupy or own the marital residence and to use or own its household effects.	
5. The expectation of pension, retirement, or other deferred compensation rights that are not marital property.	
6. Any equitable claim to, interest in, or direct or indirect contribution made to the acquisition of such marital property by the party not having title, including joint efforts or expenditures and contributions and services, or lack thereof, as a spouse, parent, wage earner, or homemaker.	
7. Any direct or indirect contribution made by one spouse to help educate or develop the career of the other spouse.	
8. Any direct contribution to an increase in the value of separate property which occurs during the course of the marriage.	
9. The liquid or nonliquid character of all marital property and divisible property.	
10. The difficulty of evaluating any component asset or any interest in a business, corporation or profession, and the economic desirability of retaining such asset or interest, intact and free from any claim or interference by the other party.	
11. The tax consequences to each party, including those federal and state tax consequences that would have been incurred if the marital and divisible property had been sold or liquidated on the date of valuation. The trial court may, however, in its discretion, consider whether or when such tax consequences are reasonably likely to occur in determining the equitable	

FACTORS	DEFENDANT'S DETAILED EXPLANATION
value deemed appropriate for this factor.	
11.a. Acts of either party to maintain, preserve, develop, or expand; or to waste, neglect, devalue or convert the marital property or divisible property, or both, during the period after separation of the parties and before the time of distribution.	
<p>11.b. In the event of the death of either party prior to the entry of any order for the distribution of property made pursuant to this subsection:</p> <p>a. Property passing to the surviving spouse by will or through intestacy due to the death of a spouse.</p> <p>b. Property held as tenants by the entirety or as joint tenants with rights of survivorship passing to the surviving spouse due to the death of a spouse.</p> <p>c. Property passing to the surviving spouse from life insurance, individual retirement accounts, pension or profit-sharing plans, any private or governmental retirement plan or annuity of which the decedent controlled the designation of beneficiary (excluding any benefits under the federal social security system), or any other retirement accounts or contracts, due to the death of a spouse.</p> <p>d. The surviving spouse's right to claim an "elective share" pursuant to G.S. 30-3.1 through G.S. 30-33, unless otherwise waived.</p>	
12. Any other factor which the court finds to be just and proper.	

NORTH CAROLINA
10th JUDICIAL DISTRICT
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
_____ -CVD- _____

_____ , Plaintiff
-v-
_____ , Defendant

CERTIFICATE OF SERVICE
FOR
EQUITABLE DISTRIBUTION
AFFIDAVIT

I am the PLAINTIFF DEFENDANT in this matter and I hereby certify that a copy of my Equitable Distribution Affidavit has been served on the opposing attorney/party in the following manner:

By depositing a copy in the US Mail in a properly addressed, postpaid envelope to:

By hand delivery to:

Other: _____

AND BY DELIVERING AN ELECTRONIC COPY ON THE OPPOSING ATTORNEY/PARTY BY:

E-mail delivery to _____

Providing a copy via disk or CD

Other: _____

Date: _____

Plaintiff

Attorney for Plaintiff

Defendant

Attorney for Defendant

A COPY OF THIS CERTIFICATE OF SERVICE MUST BE FILED WITH THE COURT.