

NORTH CAROLINA
10th JUDICIAL DISTRICT
WAKE COUNTY

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

	Plaintiff
-v-	
	Defendant

EQUITABLE DISTRIBUTION

AFFIDAVIT

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

1. I am filing this affidavit in accord with the Local Domestic Court Rules of Wake County and in accord with G.S. 50-21.
2. 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.
3. 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.
4. This affidavit consists of this sheet and the _____ attached pages.

This the ___ day of _____ 20__.

Name (Plaintiff or Defendant)

Subscribed and Sworn to before me
this ___ day of _____, 20__.

Notary Public
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 10th Judicial District Local Rules. A copy of the Local Rules is available in the Family Court Case Coordinator's office on the 11th floor of the Wake County Courthouse. If you are not represented by counsel, you should obtain a copy of the Local 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.
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 filed with the Clerk of Court, must be typed and must substantially conform to this form. Your signature must be notarized.
4. Each individual item must be listed separately. You must list the items in the order set forth on the Table of Schedules. If you have additional property that needs to be listed on a particular schedule, please add additional sheets of paper as necessary to give complete information about your property. You may omit sections or categories of assets that are not included in your case.
5. With regard to the mechanics of filling out the affidavit, on each page you need to complete the information asked for on each page in the footer. That is, put a check mark beside Plaintiff if you are the plaintiff or by the Defendant if you are the defendant. You also need to write in your Date of Marriage beside the "DOM" and write in your Date of Separation beside "DOS".
6. Schedule XIII of this affidavit should be completed only if you are seeking an unequal distribution of marital property. **If you are seeking an equal distribution, omit Schedule XIII from your affidavit. An equal distribution is presumed equitable.** If you are seeking an unequal distribution of marital property, you must provide a detailed explanation as to each specific factor that you believe the court should consider in awarding you an unequal division of the marital property. See pages 26 and 27.
7. The order in which you list each asset should follow the same order listed in the Table of Schedules. 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. **DO NOT OMIT THE "CONTENTIONS" SECTION IF YOU WISH THE COURT TO CONSIDER FACTS OR LEGAL ISSUES 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.)
8. If you are not represented by an attorney, the Rules of Court apply equally to you and it is your responsibility to fully comply with these

instructions. You must file the **typed** original of your initial inventory with the Clerk of Superior Court, Wake County Courthouse, 316 Fayetteville Street Mall, Raleigh, North Carolina 27602, no later than 30 days following the filing of your complaint if you are the Plaintiff and within thirty (30) days of your receipt of the Plaintiff's affidavit if you are the Defendant. Both parties must file a typed original of their comprehensive and final Equitable Distribution Affidavit with the Clerk of Superior Court, Wake County Courthouse, 316 Fayetteville Street Mall, Raleigh, North Carolina 27602 within 10 days prior to mediation. You must also deliver, in person or by mail, a copy of the original to the attorney representing the opposing party or to the opposing party directly if he/she is representing him/herself. (Please refer to the Local Rules for the 10th Judicial District Court). **THIS DEADLINE IS IMPORTANT AND FAILURE TO COMPLY WITH THE DEADLINE MAY RESULT IN THE IMPOSITION OF SANCTIONS.**

9. The second party to file their Affidavit must follow the same order/number of listing the assets as the original filing party. (For example, if the original party lists an asset as marital and you are listing the asset as separate, leave the asset number blank on the marital asset listing and create a new number on the separate asset chart.)
10. Omissions or misstatements of fact in your affidavit may subject you to sanctions by the court.
11. 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.

12. The following is a list of abbreviations used in this affidavit:

- a. FMV: Fair Market Value
- b. DOS: Date of Separation
- c. DOM: Date of Marriage
- d. H: Husband
- e. W: Wife
- f. Jt: Joint (as in joint names listed on a title)

13. 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.

TABLE OF SCHEDULES

Schedule I:	Marital Assets
	A. Real Estate
	B. Transportation
	C. Stocks and Bonds
	D. Bank Accounts & IRA Accounts
	E. Artwork, Metals, and other Collectables
	F. Miscellaneous Notes and Income Producing Assets
	G. Jewelry
	H. Animals
	I. Intellectual Properties
	J. Business Interests
	K. Household Goods, Silver, China and Crystal
	L. Cash Value Life Insurance
	M. Retirement Accounts (excluding IRAs)
Schedule II:	Marital Debts
Schedule III:	Separate Assets
Schedule IV:	Separate Debts
Schedule V:	Divisible Property – (Assets and Debts)
Schedule VI:	Commissions, Bonuses, or other Property received after DOS but earned prior to DOS
Schedule VII:	Passive Income received after DOS from Marital Property
Schedule VIII:	Post DOS Increases to Marital Debt, Financing Charges, and Interest Charges
Schedule IX:	Post DOS Disposal of Marital Property
Schedule X:	Post DOS Reduction of Marital Debt
Schedule XI:	Contributions to Separate Property of Other Spouse
Schedule XII:	Property Acquired after DOS
Schedule XIII:	Contentions for property acquired after DOS
Schedule XIII:	Contentions For An Unequal Distribution Of Marital/Divisible Property

SCHEDULE I: MARITAL ASSETS

A. Real Estate

Asset #	Description of Asset, and Lienholder(s) if any (To Include Account Number) & Type of Real Estate (Residential, (primary or secondary) Rental or Commercial)	Date Acquired & Title Owner (H, W or JT)	Tax Basis = Purchase Price + Cost of Improvements Made	Current Possession (H/W)	Proposed Distribution (H/W)	DOS FMV	DOS Debt	Present FMV	Present Debt
A1									
A2									
A3									
A4									

SCHEDULE I: MARITAL ASSETS

A.1. Real Estate Contentions

Asset #	Description of Asset, and Lienholder(s) if any (To Include Account Number)	The Affiant makes the following contentions relating to each parcel of real estate listed above:

SCHEDULE I: MARITAL ASSETS
B. Transportation

Asset #	Year, Make, Model of Asset & Lienholder	Date Acquired & Title Owner (H, W, or JT)	Current Possession H/W	Proposed Distribution H/W	DOS FMV	DOS Debt	Present FMV	Present Debt
B1								
B2								
B3								
B4								
B5								

SCHEDULE I: MARITAL ASSETS
B.1. Transportation Contentions

Asset #	Description of Asset	The Affiant makes the following contentions relating to the assets listed above:

SCHEDULE I: MARITAL ASSETS
C. Stocks, Bonds, Mutual Funds and Stock Options¹

Asset #	Description of Asset, Location & Account Number	Date Acquired & Title Owner (H, W, or JT)	Current Possession H/W	Proposed Distribution H/W	DOS FMV	DOS Debt	Present FMV	Present Debt
C1								
C2								
C3								
C4								
C5								

SCHEDULE I: MARITAL ASSETS
C.1. Stocks, Bonds and Mutual Funds Contentions

Asset #	Description of Asset	The Affiant makes the following contentions relating to the assets listed above:

¹ If the stocks and/or bonds are held in a brokerage account it is acceptable to provide the name and account number of each brokerage account and to provide copies of the brokerage account statements showing the DOS and present fair market value of the accounts in accord with the local rules. If the stocks and/or bonds are not held in a brokerage account, list the stocks and/or bonds individually.

SCHEDULE I: MARITAL ASSETS
D. Bank Accounts (checking, savings), Credit Union Accounts, Certificates of Deposits,
Money Market Accounts (herein Bank Accounts)

Asset #	Description of Asset, Account Number of Asset & Lienholder ²	Date Acquired & Title Owner (H, W, or JT)	Current Possession H/W	Proposed Distribution H/W	DOS FMV	Present FMV
D1						
D2						
D3						
D4						
D5						
D6						

SCHEDULE I: MARITAL ASSETS
D.1. Bank Accounts Contentions

Asset #	Description of Assets	The Affiant makes the following contentions relating to the assets listed above:

² Include name of financial institution; account numbers, if known, and the type of account (checking, savings, etc.)

SCHEDULE 1: MARITAL ASSETS
E. Artwork and Other Collectibles³

Asset #	Description of Asset & Lien holder	Date Acquired & Title Owner (H, W, or JT)	Current Possession H/W	Proposed Distribution H/W	Purchase Price	DOS FMV	Present FMV
E1							
E2							
E3							
E4							
E5							
E6							

SCHEDULE 1: MARITAL ASSETS
E.1. Artwork and Other Collectibles Contentions

Asset #	Description of Assets	The Affiant makes the following contentions relating to the assets listed above:

³ If the assets listed serve as security for any indebtedness, identify the name of the creditor; the amount of indebtedness at DOS and presently beside each asset.

SCHEDULE I: MARITAL ASSETS

F. Miscellaneous Promissory Notes (owed to either party); Tax Refunds, and other debts owed to either party

Asset #	Description of Asset, Location, Terms of Note, Monthly Payment, Principal & Interest	Date Acquired & Title Owner (H, W, or JT)	Current Possession H/W	Proposed Distribution H/W	DOS FMV	Present FMV
F1						
F2						
F3						
F4						
F5						
F6						

SCHEDULE I: MARITAL ASSETS

F.1 Miscellaneous Promissory Notes and Tax Refunds Contentions

Asset #	Description of Assets	The Affiant makes the following contentions relating to the assets listed above:

SCHEDULE I: MARITAL ASSETS
G. Jewelry

Asset #	Description of Asset & Lien holder	Date Acquired & Title Owner (H, W, or JT)	Current Possession H/W	Proposed Distribution H/W	DOS FMV	Present FMV
G1						
G2						
G3						
G4						
G5						

SCHEDULE I: MARITAL ASSETS
G.1. Jewelry Contentions

Asset #	Description of Assets	The Affiant makes the following contentions relating to the assets listed above:

SCHEDULE I: MARITAL ASSETS
H. Animals⁴

Asset #	Description of Asset & Lien holder	Date Acquired & Title Owner (H, W, or JT)	Current Possession H/W	Proposed Distribution H/W	Purchase Price	DOS FMV	Present FMV
H1							
H2							
H3							
H4							
H5							
H6							

SCHEDULE I: MARITAL ASSETS
H. Animals Contentions

Asset #	Description of Assets	The Affiant makes the following contentions relating to the assets listed above:

⁴ There is no requirement to list household pets. This exhibit refers to horses, farm animals, animals raised for monetary gains, or show animals..

SCHEDULE I: MARITAL ASSETS
I. Intellectual Properties (Patents, Copyrights, Trademarks)⁵

Asset #	Identifying Information: (1) Office where registered, or patented, or where patent application is pending; (2) Patent #, trademark or copyright registration # (3) Title, mark or trade name (4) Brief Description (5) Dates filed and issued (6) Original price or costs to create and to register.	Title Owner (H, W, or JT)	Current Possession H/W	Proposed Distribution H/W	Name & Address of each licensee: amount & frequency of payments	DOS FMV	Present FMV
I1							
I2							
I3							
I4							

SCHEDULE I: MARITAL ASSETS
I.1. Intellectual Properties Contentions

Asset #	Description of Assets	The Affiant makes the following contentions relating to the assets listed above:

⁵ If the intellectual property identified serves as security for any indebtedness, identify the amount of indebtedness (DOS and present) and the name of the creditor.

SCHEDULE I: MARITAL ASSETS
J. Business Interests (Corporation, Partnerships, LLCs, etc.)

Asset #	Description of Asset & Location (Include whether incorporated, sole proprietorship, partnership, joint venture, etc.). Identify each partner/shareholder and the percentage of ownership for each person so identified.	Date Acquired & Title Owner (H, W, or JT)	Original Price of Interest	Current Possession H/W	Proposed Distribution H/W	DOS FMV ⁶	Net FMV ⁵
J1							
J2							
J3							
J4							
J5							
J6							

SCHEDULE I: MARITAL ASSETS
J.1. Business Interests Contentions

Asset #	Description of Assets	The Affiant makes the following contentions relating to the assets listed above:

⁶ For each entity identified.

SCHEDULE I: MARITAL ASSETS
K. Household Goods and Special Collections

Asset #	Account Number Asset & Lien holder	Date Acquired & Title Owner (H, W, or JT)	Current Possession H/W	Proposed Distribution H/W	DOS FMV	Present FMV
K1						
K2						
K3						
K4						
K5						
K6						
K7						
K8						

SCHEDULE I: MARITAL ASSETS
K1. Household Goods Contentions

Asset #	Description of Assets	The Affiant makes the following contentions relating to the assets listed above:

SCHEDULE I: MARITAL ASSETS
L. Life Insurance, including Cash Value

Asset #	Description of Policy; Policy #	Date Acquired & Title Owner (H, W, or JT)	Current Possession H/W	Proposed Distribution H/W	DOS FMV	Present FMV	Loans against Policy	Cash Surrender Value
L1								
L2								
L3								
L4								
L5								
L6								

SCHEDULE I: MARITAL ASSETS
L. Cash Value of Life Insurance Contentions

Asset #	Description of Assets	The Affiant makes the following contentions relating to the assets listed above:

SCHEDULE I: MARITAL ASSETS
M. Defined Benefit and Defined Contribution Pension Plans; 401(k) Plans; Deferred Compensation Plans and all other Retirement Benefits, including IRA accounts

Asset #	Description of Asset, Policy Number or Account Number	Date Acquired & Title Owner (H, W, or JT)	Current Possession H/W	Proposed Distribution H/W	DOS FMV	Present FMV	Monthly Payment
M1							
M2							
M3							
M4							
M5							
M6							

SCHEDULE I: MARITAL ASSETS
M.1. Contentions Regarding Defined Benefit and Defined Contribution Pension Plans; Deferred Compensation Plans; 401(k) accounts; IRA accounts; and all other Retirement Benefits

CONTENTIONS		
Asset #	Description of Assets	The Affiant makes the following contentions relating to the assets listed above:

SCHEDULE II: MARITAL DEBTS

Debt #	Name & Address of Creditor, Account Number	Name of Persons(s) Who is Listed on the Debt	Reason Debt Incurred and Month and year Debt incurred	Amount owed on DOS	Amount currently owed	Who has paid the debt since DOS and amount that has been paid
1						
2						
3						
4						
5						
6						
7						

SCHEDULE II: MARITAL DEBTS CONTENTIONS

Debt #	Description of Debts	The Affiant Makes the Following Contentions Relating to the Debts Listed Above

SCHEDULE III: SEPARATE ASSETS

Asset #	Description of Asset & Lien holder	Date Acquired & Reason Separate	Purchase Price	DOS FMV	Present FMV
1					
2					
3					
4					
5					
6					
7					

SCHEDULE III: SEPARATE ASSETS CONTENTIONS

Asset #	Description of Assets	The Affiant makes the following contentions relating to the assets listed above:

SCHEDULE IV: SEPARATE DEBTS

Debt #	Name & Address of Creditor, Account Number	Name(s) of person who is listed on the debt (H/W/JT⁷)	Basis for Separate Classification	Pre-marital Balance (if any)	DOS Balance	Current Balance
1						
2						
3						
4						
5						

If the debt is in joint names, identify the party who you claim is responsible for the debt.

SCHEDULE V: DIVISIBLE PROPERTY

(Passive Increases And Decreases To Value Of Marital Property After DOS)

For any asset or item of marital property that you listed previously, list the asset and the increase or decrease in value since DOS. List any decreases in value in parentheses.

Property #	Item of Property	Reason for Passive Increase or Decrease	Amount of Increase or (Decrease) since DOS	Net Value of Item Now

⁷ If joint, whose alleged debt is it.

**SCHEDULE VI:
COMMISSIONS, BONUSES, ROYALTIES, PROPERTY, ETC., RECEIVED AFTER
DOS BUT EARNED PRIOR TO DOS**

Asset #	Description of Item and where it is currently located	Received by H/W or Joint	Date Received	Amount Received
1				
2				
3				
4				
5				

**SCHEDULE VII:
"PASSIVE" INCOME RECEIVED AFTER DOS FROM MARITAL PROPERTY
(e.g., interest and dividends, etc.)**

Asset #	Description of Item	Party Currently in Possession	Received by H / W or Joint	Date Received	Amount Received
1					
2					
3					
4					
5					
6					

**SCHEDULE VIII:
POST DOS INCREASES TO MARITAL DEBT, FINANCING
CHARGES AND INTEREST CHARGES**

This schedule should be completed with reference back to the list of marital debts set out previously. For example, if you listed a charge card as a marital debt and the balance due has increased since DOS, you should identify that debt and increase here. Please keep all debts listed in a consistent order.

Debt #	Description of Debt	DOS Balance	Current Balance	Reason for increase and total amount of financing charges

**SCHEDULE IX:
POST DOS DISPOSAL OF MARITAL PROPERTY**

List all marital assets that have, since date of separation, been totally or partially sold, transferred, consumed, or destroyed, by you or by the other party, including but not limited to sale of property, withdrawal of funds from accounts, and purposeful or negligent destruction of property. Identify the amount of money or other consideration resulting from the disposal, who effected the disposal (H, W or Joint) and what has been done with the net proceeds, if any (i.e., debts paid, other property acquired). If the property was used to pay marital debts, you should indicate that on the appropriate schedule. If the property was used to acquire other property after DOS, the newly acquired property may still be marital property and should be identified on this affidavit.

Asset #	Description of Item	Reason for Disposal of Marital Property and Who Disposed of Property	Money or Other Consideration Received	Use of Proceeds

**SCHEDULE X:
POST DOS REDUCTION OF MARITAL DEBT**

List payments you have made on marital debt since the date of separation. List each debt by using the number you used on prior schedules. You should have listed the balance on such debts as of DOS on the prior schedules; therefore, there is no need to list the DOS balance here.

Debt #	Marital Debt as Identified Prior	Dollar amount of payments you made since DOS	Source of Funds for Payments Made by You	Balance Owed Now

**SCHEDULE XI:
CONTRIBUTIONS TO SEPARATE PROPERTY OF OTHER SPOUSE**

If there was an increase in value during the course of your marriage to an item claimed by the other party as Separate Property and you claim you made a direct contribution to the increase in value of that item during the marriage, answer the following:

Debt #	Description of Item	What is the amount of your contributions, or how much did your contributions add to the value of the asset	Detailed Explanation of Your Contributions

**SCHEDULE XII:
PROPERTY ACQUIRED AFTER DATE OF SEPARATION**

List here property acquired by you with funds acquired by you after the date of separation and which is your property.

Asset #	Asset and Lien holder and related Account number	Possession H/W/Joint	Purchase Price and source of funds used to purchase the property	Present FMV

**SCHEDULE XIII:
CONTENTIONS FOR PROPERTY ACQUIRED AFTER DATE OF SEPARATION**

Asset #	Description of Assets	The Affiant makes the following contentions relating to the assets listed above:

**SCHEDULE IX:
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. **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	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.	
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.	

FACTORS	DETAILED EXPLANATION
12. Any other factor which the court finds to be just and proper.	

CERTIFICATE OF SERVICE

I, _____, the undersigned (attorney / party), do hereby certify that a copy of the foregoing Equitable Distribution Inventory was served on _____ in the following manner:

by hand delivery; or

by depositing a copy of same in the United States Mail, postage prepaid, in the manner and form prescribed in the North Carolina Rules of Civil Procedure and addressed to:

by certified mail.

This is the ____ day of _____, 20 ____.

Signature of Plaintiff or Defendant or his/her respective attorney