CLICK FOR UNION COUNTY LOCAL RULES

CLICK FOR NORTH CAROLINA STATUTE ON EQUITABLE DIST

INSTRUCTIONS TO PARTIES

1. IMPORTANT. READ THESE INSTRUCTIONS CAREFULLY.

Failure to follow these instructions may result in your Affidavit not being allowed into evic by the Court.

2. PURPOSE AND ORGANIZATION OF AFFIDAVIT.

The main purpose of this Affidavit is to identify each party's contentions about the foll matters:

- Which items of property are MARITAL PROPERTY
- Whether there is any DIVISIBLE PROPERTY
- Which items of property are the SEPARATE PROPERTY of a party
- What DEBTS existed on the date of separation and whether they were marital debts or non marital debts
- What property has been sold or otherwise disposed of after the date of separation If a party desires an unequal distribution, what DISTRIBUTIONAL FACTORS exist

Another main purpose of this Affidavit is to identify documents which each party has r the other party

3. FILING AND SERVICE.

- The ORIGINAL of this Affidavit must be filed with the Clerk of Superior Court, at 400 N Main Street, Monroe, NC 28112
- A copy of this Affidavit must be served upon the opposing party (or that party's attorney, it party is represented), either by delivery in person or by mail.
- You must sign a certificate of service indicating the date and manner of service; a form is attached as the last page of the Affidavit.

4. DUE DATE.

Notwithstanding the above, both parties must file and serve their Equitable Distirbution Affidavit. The Plaintiff, or moving party must do so ninety (90) days after filing a claim for Equitable Distribution. The Defendant or responding party, must file and serve his/her Affidavit no later than thirty (30) days after receiving the Plaintiff or moving party's Affidavit. You must file and serve this Affidavit at least ten (10) days prior to the date set for the

5. PROCEDURE AND FORMAT.

- The information in your Affidavit must be typed or computer generated.
- You must sign the cover sheet in the presence of a notary public.
- You must complete the Afifidavit and provide all attachements.

If you do not understand what is meant by the terms "Marital Property," "Separate Property, or "Divisible Property," you should seek legal advice about these terms. You are responsible for understanding the differences in these types of property.

If you do not have enough room on a Schedule to list all items of property or debts, use Schedule L or attach an additional page to this Affidavit.

If you want to make comments about an item, footnote it on the Schedule or attach a separate

page of comments.

If you or your spouse own a partial interest in an asset (with one or more third parties), indicate the percentage or amount of your interest.

You must complete the Summary Sheet with the totals from each Schedule.

Instead of using the terms "Plaintiff" and "Defendant," use the terms "Husband" and "Wife."

6. DEFINITIONS. As used in this Affidavit, the following words and abbreviation following meanings:

- a. "E.D." means equitable distribution.
- b. "DOM" means the date of your marriage to the opposing party.
- c. "DOS" means the date of your separation from the opposing party (when you stopped livit together).
- d. "Net Value" and "Net FMV" mean fair market value, reduced by the amount of any debt v is a lien on the item of property.
- e. "Real estate" includes land and all buildings and other things permanently attached to the and includes all properties in which you and/or your spouse had some ownership interest (t residence, rental property, commercial or business property, vacation property, time shares etc.).
- f. "Transportation" means all types of motor vehicles (automobiles, trucks, motorcycles, vans boats, airplanes, jet skis, etc.).
- g. "Accounts" means all accounts maintained by you and/or your spouse, either individually c jointly with each other or with other persons, in all banks, credit unions, stock brokerage fi mutual funds, and other financial institutions. It includes checking accounts, savings accou certificates of deposit, money market accounts, stock brokerage accounts, and dividend

reinvestment accounts.

- h. "Collections" means and includes artwork, gold and other precious metals, firearms, coin collections, and other types of collectibles (figurines, models, trading cards, etc.)
- i. "Household Goods" means furniture, antiques, prints and wall hangings, appliances, electronics, linens, books, china, silver, crystal, kitchen utensils and cookware, outdoor furniture, sporting goods, tools, lawn and garden equipment, and all other items of persona property in or about the residence and/or office used by one or both of the parties.
- j. "Retirement Benefits" means all vested benefits under qualified and non-qualified retireme plans, including pension plans, IRA accounts, 401(k) plans, profit sharing plans, deferred compensation plans, and ESOPs.
- k. "Business Interests" means all ownership interests in closely-held business entities, such as corporations, partnerships, limited liability companies, etc.
- "Disposition" means and refers to assets which have been sold, transferred, given away, consumed, or exchanged for other property. It includes withdrawal of funds from accounts cashing in life insurance policies, rollovers or distributions of retirement benefits, and obtaining loans against assets.

7. DISCLOSURE OF DOCUMENTS. You are required to serve on the opposing party with you Affidavit copies of the following documents, to the extent they are in your possession or under you control. DO NOT ATTACH THESE DOCUMENTS TO THE ORIGINAL AFFIDAVIT WHIC IS FILED WITH THE COURT. You must list the documents you are providing.

a. REAL ESTATE:

(i) Deeds

(ii) Promissory Notes

(iii) Deeds of Trust

- (iv) Amortization Schedules
- (v) Statements showing mortgage balance on DOS
- (vi) Appraisals

b. TRANSPORTATION

- (i) Certificates of Title
- (ii) Notes or other Loan Documents (If money owed on vehicle on DOS)
- (iii) Statements showing loan balance on DOS (If money owed on DOS)
- c. ACCOUNTS Statements for the periods of time closest to DOS (both before and after)
- d. LIFE INSURANCE POLICIES Annual Statement of Policy Value for periods of time closest to DOS (both before and after)
- e. RETIREMENT BENEFITS Statements for periods of time closest to DOS (both before a after)
- f. DEBT Statements for periods of time closest to DOS (both before and after)

STATE OF NORTH CAROLINA COUNTY OF UNION

IN THE GENERAL COURT OF JUSTICE DISTRICT COURT DIVISION 23 CVD

Plaintiff,

VS.

EQUITABLE DISTRI	BUTION
AFFIDAVIT OF	

Date of Marriage: Date of Separation:

Defendant.

THE ABOVE-NAMED PARTY, being duly sworn and under oath, states as follows:

- 1. I am filing with the Court, as required by its Rules, this affidavit for its use in entering a final judgment of equitable distribution.
- 2. I have read and understand the Instructions which are contained in this Affidavit.
- 3. In this Affidavit I have made a full and complete disclosure of: all marital property, separate property, and debts known to me and existing in the date of separation; all divisible property and other property acquired since the date of separation; and all property disposed of since the date of separation. I further warrant to the Court that I have not intentionally furnished any false information to the Court. I understand that providing a false Affidavit to the Court could serve as a basis for setting aside a judgment in this proceeding as well as permitting the Court to impose sanctions against me.
- 4. I have provided to the opposing party copies of the documents listed in Part VI of this Affidavit.

This the _____ day of _____, 20____.

Sworn to and subscribed before me This day of , 20 .

(Signature of Officer)

(Title) My Commission Expires: Form #14

PART I - MARITAL PROPERTY					
	DOS Net FMV				
A. Real Estate	\$ -				
B. Transportation	\$ -				
C. Accounts	\$ -				
D. Other Investments Held by Owner	\$ -				
E. Jewelry	\$ -				
F. Collections	\$ -				
G. Household Goods	\$ -				
H. Retirement Benefits	\$ -				
I. Life Insurance Policies	\$ -				
J. Business Interests	\$ -				
K. Active Increase in Separate Property	\$ -				
L. Other Items	\$ -				
Subtotal	\$ -				

DEBTS	
Total Marital Debt	\$ -
Total Separate Debt	\$ -

PART II - DIVISIBLE PROPERTY				
Total Divisible Property	\$ -			
Total Divisible Debt	\$ -			

SEPARATE PROPERTY				
Husband's separate property - TOTAL NET FMV	\$ -			
Wife's separate property - TOTAL NET FMV	\$ -			

Date of Marriage: Date of Separation:

SCHEDULE A REAL PROPERTY AND REAL PROPERTY DEBTS

	DESCRIPTION (Full Address, Mortgage, HELOC or	DOS FMV	DOS LOAN	DOS NET	POSSESSION	PROPOSED	NOTES
ID	other debt securing property, and account #s)		BALANCE	VALUE		DISTRIBUTION	
A1				\$ -			
A2				\$ -			
A3				\$-			
A4				s -			
A5				s -			
A6				s -			
A7				s -			
A8				s -			
A9				s -			
A10				s -			
A11				s -			
A12				s -			
A13				s -			
A14				s -			
A15				s -			
A16				s -			
A17				s -			
A18				\$ -			
A19				ş -			
A1)				ş -			
A21				ş -			
A21				s -			
A23				<u>\$</u>			
A24				s -			
A25				s -			

SCHEDULE B TRANSPORTATION AND TRANSPORTATION-RELATED DEBTS

ID	DESCRIPTION OF PROPERTY AND ACCOUNT NUMBERS (Year/Make/Model, and debt)	DOS FMV	DOS Loan Balance	DOS Net Value	POSSESSION	PROPOSED DISTRIBUTION	NOTES
B1				\$ -			
B2				\$ -			
B3				\$ -			
B4				\$ -			
В5				s -			
B6				\$ -			
B7				s -			
B8				\$ -			
B9				s -			
B10				s -			
B11				s -			
B12				s -			
B13				s -			
B14				s -			
B15				s -			
B16				s -			
B17				s -			
B18				s -			
B19				s -			
B20				s -			
B21				s -			
B22				s -			
B23				s -			
B24				s -			
B25				s -			

SCHEDULE C ACCOUNTS

ID	DESCRIPTION (Name on Account, Account #, Type)	DOS NET FMV	PROPOSED DISTRIBUTION	NOTES
C1				
C2				
C3				
C4				
C5				
C6				
C7				
C8				
С9				
C10				
C11				
C12				
C13				
C14				
C15				
C16				
C17				
C18				
C19				
C20				
C21				
C22				
C23				
C24				
C25				

SCHEDULE D INVESTMENTS (NON-RETIREMENT)

ID	DESCRIPTION (Name on Account, Fund Name, Investment Type, # units)	DOS NET FMV	PROPOSED DISTRIBUTION	NOTES
D1				
D2				
D3				
D4				
D5				
D6				
D7				
D8				
D9				
D10				
D11				
D12				
D13				
D14				
D15				
D16				
D17				
D18				
D19				
D20				
D21				
D22				
D23				
D24				
D25				

SCHEDULE E JEWELRY

ID	DESCRIPTION	DOS NET VALUE	POSSESSION	PROPOSED DISTRIBUTION	NOTES
E1					
E2					
E3					
E4					
E5					
E6					
E7					
E8					
E9					
E10					
E11					
E12					
E13					
E14					
E15					
E16					
E17					
E18					
E19					
E20					
E21					
E22					
E23					
E24					
E25					

SCHEDULE F COLLECTIONS

ID	DESCRIPTION	DOS NET VALUE	POSSESSION	PROPOSED DISTRIBUTION	NOTES
F1					
F2					
F3					
F4					
F5					
F6					
F7					
F8					
F9					
F10					
F11					
F12					
F13					
F14					
F15					
F16					
F17					
F18					
F19					
F20					
F21					
F22					
F23					
F24					
F25					

SCHEDULE G HOUSEHOLD GOODS

ID	DESCRIPTION	DOS Net Value	POSSESSION	PROPOSED DISTRIBUTION	NOTES
G1					
G2					
G3					
G4					
G5					
G6					
G7					
G8					
G9					
G10					
G11					
G12					
G13					
G14					
G15					
G16					
G17					
G18					
G19					
G20					

IN LIEU OF LISTING HOUSEHOLD GOODS, I WARRANT AS FOLLOWS

□ 1.		BOTH PARTIES HAVE CONFERRED AND AGREED TO OBTAIN A NON- BINDING APPRAISAL OF ALL HOUSEHOLD GOODS, WITHIN 30 DAYS AFTER THE INITIAL PRETRIAL CONFERENCE. THE CHOICE OF APPRAISER AND ALLOCATION OR COST HAVE BEEN AGREED BETWEEN THE PARTIES.
		THE APPRAISER IS:
□ 2.		
		SAME AS 1, EXCEPT THAT THE FOLLOWING ISSUE(S) ARE SUBMITTED FOR THE COURT TO DECIDE AT THE INITIAL PRETRIAL CONFERENCE:
	A.	CHOICE OF APPRAISER
□ 3.	B.	WHO SHOULD PAY HOW MUCH OF THE APPRAISER'S FEE
		BOTH PARTIES HAVE AGREED TO PARTICIPATE IN A BINDING AUCTION OF HOUSEHOLD GOODS WITHIN 30 DAYS OF THE INITIAL PRETRIAL CONFERENCE, WITH EACH ITEM BEING DISTRIBUTED TO THE HIGHER BIDDER, PER THE ATTACHED PROCEDURE OR OTHER PROCEDURE SET FORTH IN A SEPARATE STIPULATION.
□ 4.		
□ 5.		ALL HOUSEHOLD GOODS HAVE BEEN PREVIOUSLY DIVIDED TO MY SATISFACTION AND NO VALUES FOR HOUSEHOLD GOODS SHALL BE INCLUDED, IN EITHER MY SHARE OR MY SPOUSE'S SHARE, FOR PURPOSES OF EQUITABLE DISTRIBUTION.
		I WILL ACCEPT WHATEVER MY SPOUSE LISTS FOR HOUSEHOLD GOODS, THEIR VALUE, AND DISTRIBUTION

SCHEDULE H RETIREMENT

ID	DESCRIPTION (Plan Name, Participant, Type of Plan)	DOS VALUE	DOS LOAN	NET VALUE	PROPOSED DISTRIBUTION	NOTES
H1				\$-		
H2				\$ -		
H3				\$-		
H4				\$ -		
H5				\$-		
H6				\$ -		
H7				\$-		
H8				\$-		
H9				\$ -		
H10				\$-		
H11				\$ -		
H12				\$-		
H13				\$-		
H14				\$-		
H15				\$-		
H16				\$-		
H17				\$-		
H18				\$-		
H19				\$-		
H20				\$-		
H21				\$-		
H22				\$-		
H23				\$-		
H24				\$ -		
H25				\$-		

SCHEDULE I LIFE INSURANCE

ID	DESCRIPTION (Owner, Policy Type, Beneficiary)	DOS CASH VALUE	DOS LOAN VALUE	DOS NET FMV	PROPOSED DISTRIBUTION	NOTES
I1				\$-		
I2				\$ -		
I3				\$-		
I4				\$-		
15				\$-		
I6				\$ -		
I7				\$ -		
I8				\$ -		
19				\$ -		
I10				\$ -		
I11				\$ -		
I12				\$ -		
I13				\$-		
I14				\$-		
I15				\$-		
I16				\$-		
I17				\$-		
I18			ļ	\$-		
I19				\$-		
I20				\$-		
I21			ļ	\$-		
I22				\$-		
I23				\$-		
I24				\$-		
I25				\$ -		

SCHEDULE J BUSINESS INTERESTS

ID	DESCRIPTION (Business Name, Type of Business,	% MARITAL	DOS NET	PROPOSED	NOTES
	% Ownership)	OWNERSHIP	VALUE	DISTRIBUTION	
J1					
J2					
J3					
J4					
J5					
J6					
J7					
J8					
J9					
J10					
J11					
J12					
J13					
J14					
J15					
J16					
J17					
J18					
J19					
J20					
J21					
J22					
J23					
J24					

SCHEDULE K ACTIVE INCREASE IN SEPARATE PROPERTY

ID	DESCRIPTION OF PROPERTY AND OWNER	NATURE OF CONTRIBUTION TO INCREASE IN VALUE (MONETARY OR LABOR)	NET FMV DOM ON DATE OF ACQUISITION	NET FMV DOS	AMOUNT OF ACTIVE INCREASE IN VALUE	NOTES
K1					\$-	
K2					\$ -	
K3					\$-	
K4					\$-	
K5					\$ -	
K6					\$-	
K7					\$ -	
K8					\$ -	
K9					\$ -	
K10					\$ -	
K11					\$ -	
K12					\$ -	
K13					\$ -	
K14					\$ -	
K15					\$ -	
K16					\$ -	
K17					\$ -	
K18					\$ -	
K19					\$-	
K20					\$ -	
K21					\$ -	
K22					\$ -	
K23					\$ -	
K24					\$ -	
K25					\$-	

SCHEDULE L OTHER ITEMS (Panther PSL's, Tax Refunds, Security Deposits, Frequent Flyer Miles, etc.)

ID	DESCRIPTION	DOS NET FMV	POSSESSION	PROPOSED DISTRIBUTION	NOTES
L1					
L2					
L3					
L4					
L5					
L6					
L7					
L8					
L9					
L10					
L11					
L12					
L13					
L14					
L15					
L16					
L17					
L18					
L19					
L20					
L21					
L22					
L23					
L24					
L25					

	SCHEDULE M DEBTS (Do not include debt secured by real property or vehicles that are previously disclosed)								
		DOS DEBTOR		CLASSIFICATION		POST-SEPA	RATION	PROPOSED	NOTES
ID	DESCRIPTION (Name, Holder, Account #)	AMOUNT OWED	(H, W or Joint)		Non-Marital	PAYME By Husband		DISTRIBUTION	
M1		01122	U U U U	Mainai	non-maritar	by Husband	by whe		
M2									
M3									
M4									
M5									
M6									
M7									
M8									
M9							-		
M10									
M11									
M12									
M13									
M14									
M15									
M16									
M17									
M18									
M19									
M20									
M21									
M22									
M23									
M24									
M24									
M23			l						

SCHEDULE M

SCHEDULE N DIVISIBLE PROPERTY

ID	DESCRIPTION	TYPE OF DIVISIBLE PROPERTY	CONTENTIONS	NET DIVISIBLE AMOUNT	PROPOSED DISTRIBUTION
N1					
N2					
N3					
N4					
N5					
N6					
N7					
N8					
N9					
N10					
N11					
N12					
N13					
N14					
N15					
N16					
N17					
N18					
N19					
N20					

SCHEDULE O SEPARATE PROPERTY

ID	DESCRIPTION	POSSESSION	OWNER	DOS NET FMV	NOTES
01					
02					
03					
04					
05					
06					
07					
08					
09					
O10					
011					
012					
013					
O14					
015					
O16					
017					
018					
019					
O20					
O21					
O22					
O23					
O24					
O25					

SCHEDULE P POST-DATE OF SEPARATION DISPOSITION OF PROPERTY

ID	PROPERTY	DATE OF DISPOSITION	TYPE OF DISPOSITION (SOLD/TRANSFERRED)	AMOUNT OF BENEFIT	RECIPIENT	NOTES
P1						
P2						
P3						
P4						
P5						
P6						
P7						
P8						
P9						
P10						
P11						
P12						
P13						
P14						
P15						
P16						
P17						
P18						
P19						
P20						
P21						
P22						
P23						
P24						
P25						

SCHEDULE Q DISTRIBUTIONAL FACTORS

CLICK HERE TO SEE NORTH CAROLINA S	STATUTE ON EQUITABLE DISTRIBUTION

Item No.	FACTORS	Mark "X" IF APPLIES	CONTENTIONS
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 nonvested pension, retirement, or other deferred compensation rights, which is separate property;		
6	Any equitable claim to, interest in, or contribution made to the acquisition of marital property by the party not having title, including efforts, expenditures, contributions, and services, or lack thereof, as a spouse, parent, wage earner or homemaker;		
7	Any direct contribution made by one spouse to help education or develop the career potential of the other spouse;		
8	Any direct contribution to an increase in value of separate property which occurs during the course of the marriage;		
9	The liquid or nonliquid character of the marital property;		
10	The difficulty of evaluating any component asset or interest in a business 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;		
12	Acts of either party to maintain, preserve, develop, or expand, or to waste, neglect, devalue or convert such marital property, after separation of the parties and before the time of distribution; and		
13	Any other factor which the court finds to be just and proper.		

SCHEDULE R REQUIRED DISCLOSURES

I have provided the opposing party, but not the court, copies of the documents listed below:

PRODUCED	DOCUMENTS REQUIRED	DOCUMENTS PRODUCED	
	REAL ESTATE:		
	Deeds		
	Promissory Notes		
	Deeds of Trust		
	Amortization Schedules		
	Statements showing mortgage balance on DOS and		
	current date		
	Appraisals		
	TRANSPORTATION		
	Certificates of Title		
	Notes or other Loan Documents (If money owed on		
	vehicle on DOS)		
	Statements showing loan balance on DOS (If money		
	owed on DOS)		
	ACCOUNTS - Statements for the 3 months closest to		
	DOS (both before and after)		
	LIFE INSURANCE POLICIES - Annual Statement of		
	Cash Surrender Value for statement periods closest to		
	DOS (both before and after)		
	RETIREMENT BENEFITS - Statements for statement		
	periods 3 months closest to DOS (both before and after)		
	periods 5 months closest to DOS (both before and after)		
	DEBT - Statements for 3 months closest to DOS (both		
	before and after)		
	The most recent statements and other documents		
	which a Party has concerning the current net fair		
	market value of each item listed in the following		
	schedules of both Parties' E/D Affidavits:		
	(i) Accounts		
	(ii) Life Insurance Policies		
	(iii) Retirement Benefits		
	(iv) Divisible Property		
	(v) Debts		
	APPRAISALS: Updated Appraisals for Date of Trial		

SCHEDULE S PROPERTY ACQUIRED AFTER DATE OF SEPARATION (FMV of \$500.00 or More)

ID	ITEM OF PROPERTY	OWNER	COST	NOTES
S1				
S2				
S3				
S4				
S5				
S6				
S7				
S8				
S9				
S10				
S11				
S12				
S13				
S14				
S15				
S16				
S17				
S18				
S19				
S20				

CERTIFICATE OF SERVICE

I certify that on this date I served a copy of this **EQUITABLE DISTRIBUTION AFFIDAVIT** upon the opposing party by:

[check one]

,			
	hand delivery to opposing party or that party's counsel (by leaving it at the attorney's office with a partner or employee) at the address shown below:		
	Address:		
	depositing it in the exclusive care and custody of the United States Postal Service with sufficient first-class postage affixed thereto and addressed to the person(s) at the address shown below:		
	_		
	Name: Address		
	By telefacsimile transmission with receipt confirmation to: Name:		
	Fax Number:		
This the _	day of, 2022.		

Attorney for _____