FORM # 13A

NORTH CAROLINA	**IN THE GENERAL COURT OF JUSTICE**
28 JUDICIAL DISTRICT	**DISTRICT COURT DIVISION**
COUNTY OF _____	**CASE NUMBER_____**

_____ Plaintiff,

-vs-

_____ Defendant.

EQUITABLE DISTRIBUTION INVENTORY AFFIDAVIT OF PLAINTIFF OR REQUESTING PARTY AND CERTIFICATE OF SERVICE

NOW COMES the plaintiff, or requesting party, and itemizes what he/she alleges to be the marital, divisible, and separate property of the parties, as well as the marital debts of the parties, all as set out in the schedules, which are attached. Plaintiff certifies that he/she has made a full and complete disclosure of all marital and separate property known to him/her.

This is to further certify that the undersigned has this day filed the original of this affidavit and all attachments with the Clerk, and has served a copy of this affidavit and all attachments to opposing counsel, or opposing party if unrepresented, by depositing a copy in a postpaid wrapper in a post office or official depository under the exclusive care and custody of the United States Post Office Department, properly addressed as follows:

(type or print full name and address)

_____
_____
_____
_____

Pursuant to the Local Rules, the defendant, or responding party, is required to, within thirty days, complete his/her portion of the attachments and file his/her affidavit and attachments with the Clerk of Court and forward a completed copy of his/her affidavit and attachments to counsel for the plaintiff, or the plaintiff if unrepresented.

This the ___ day of _____, _____.

_____
Signature of Attorney/Party
Typed or printed name, address, and phone
_____
_____
_____

FORM # 13B

NORTH CAROLINA **28 JUDICIAL DISTRICT** **COUNTY OF _____**	**IN THE GENERAL COURT OF JUSTICE** **DISTRICT COURT DIVISION** **CASE NUMBER_____**
_____ Plaintiff, -vs- _____ Defendant.	**EQUITABLE DISTRIBUTION** **INVENTORY AFFIDAVIT** **OF DEFENDANT OR RESPONDING PARTY** **AND** **CERTIFICATE OF SERVICE**

NOW COMES the defendant, or responding party, and itemizes what he/she alleges to be the marital, divisible, and separate property of the parties, as well as the marital debts of the parties, all as set out in the schedules, which are attached. Defendant certifies that he/she has made a full and complete disclosure of all marital and separate property known to him/her.

This is to further certify that the undersigned has this day filed the original of this affidavit and all attachments with the Clerk, and has served a copy of this affidavit and all attachments to opposing counsel, or opposing party if unrepresented, by depositing a copy in a postpaid wrapper in a post office or official depository under the exclusive care and custody of the United States Post Office Department, properly addressed as follows:

(type or print full name and address)

_____
_____
_____
_____

This the ___ day of _____, _____.

_____
Signature of Attorney/Party
Typed or printed name, address, and phone
_____
_____
_____

Equitable Distribution Inventory Affidavit

PURPOSE

The Plaintiff and the Defendant were married, and they accumulated some property. Now someone has asked the Judge to fairly, or equitably, divide this property.

The purpose of this affidavit is to give the Judge the information he or she will need to equitably divide the property. The Judge will need to know this information because at trial the Judge must determine the fair market value (value) of each item of property and whether each item of property is Marital or Separate (classification), and the Judge must then decide who gets each item of property (distribution).

So, you must carefully list each item of property which either of you owned or had any interest in as of the day of separation, no matter in whose name the property was titled, and no matter who had possession of the property. List everything, and if you believe that the property is not Marital, show that the item as "Separate".

MEANINGS

As used in these schedules, the following abbreviations have the following meanings:

DOM means the "date of marriage of the parties", which plaintiff contends to be _____ and which defendant contends to be _____, and which the Court finds to be _____.

DOS means the "date separation of the parties", which plaintiff contends to be _____ and which defendant contends to be _____, and which the Court finds to be _____.

FMV means "fair market value".

LIEN means "a lien on property", whether created by a mortgage, deed of trust, security agreement, or otherwise.

PROPERTY means anything you can own (not just land and house, but also other things like bank accounts and retirement accounts: anything you can own).

SEPARATE PROPERTY means Property that either of you received either before the marriage or after the DOS, or that either of you received during the marriage by gift or inheritance.

MARITAL PROPERTY means Property that is not Separate Property, no matter whose name it is in, that either of you received between the date of your marriage and the DOS.

SCHEDULE I

REAL PROPERTY AND MOBILE HOME

This includes land, houses, anything permanently attached to land, and mobile homes.
Include a description of the property sufficient that the Court can identify it.

	Value			Classification			Possession			Distribution		
PROPERTY	Husband contends: DOS FMV	Wife contends: DOS FMV	Agreed or Court finding: FMV	Husband contends: Marital or Sep (M/S)	Wife contends: Marital or Sep (M/S)	Agreed or Court finding: Marital or Sep	Husband contends Who has it? (H/W)	Wife contends: Who has it? (H/W)	Agreed or Court finding: Who has it?	Husband contends Who gets it? (H/W)	Wife contends: Who gets it? (H/W)	Agreed or Court finding: Who gets it?
1.												
2.												
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SCHEDULE II

MOTOR VEHICLES

Include a description of the property sufficient that the Court can identify it.

	Value			Classification			Possession			Distribution		
PROPERTY	Husband contends: DOS FMV	Wife contends: DOS FMV	Agreed or Court finding: FMV	Husband contends: Marital or Sep (M/S)	Wife contends: Marital or Sep (M/S)	Agreed or Court finding: Marital or Sep	Husband contends Who has it? (H/W)	Wife contends: Who has it? (H/W)	Agreed or Court finding: Who has it?	Husband contends Who gets it? (H/W)	Wife contends: Who gets it? (H/W)	Agreed or Court finding: Who gets it?
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7.												
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SCHEDULE III

HOUSEHOLD FURNISHINGS, COLLECTIBLES

Include a description of the property sufficient that the Court can identify it.

	Value			Classification			Possession			Distribution		
PROPERTY	Husband contends: DOS FMV	Wife contends: DOS FMV	Agreed or Court finding: FMV	Husband contends: Marital or Sep (M/S)	Wife contends: Marital or Sep (M/S)	Agreed or Court finding: Marital or Sep	Husband contends Who has it? (H/W)	Wife contends: Who has it? (H/W)	Agreed or Court finding: Who has it?	Husband contends Who gets it? (H/W)	Wife contends: Who gets it? (H/W)	Agreed or Court finding: Who gets it?
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SCHEDULE IV

MISCELLANEOUS PERSONAL PROPERTY

(Tools, Guns, Lawn Equipment, Jewelry, Animals)

Include a description of the property sufficient that the Court can identify it.

	Value			Classification			Possession			Distribution		
PROPERTY	Husband contends: DOS FMV	Wife contends: DOS FMV	Agreed or Court finding: FMV	Husband contends: Marital or Sep (M/S)	Wife contends: Marital or Sep (M/S)	Agreed or Court finding: Marital or Sep	Husband contends Who has it? (H/W)	Wife contends: Who has it? (H/W)	Agreed or Court finding: Who has it?	Husband contends Who gets it? (H/W)	Wife contends: Who gets it? (H/W)	Agreed or Court finding: Who gets it?
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SCHEDULE V
ACCOUNTS
(Checking, Savings, CD's)
Include a description of the account sufficient that the Court can identify it.

	Value			Classification			Possession			Distribution		
PROPERTY	Husband contends: DOS FMV	Wife contends: DOS FMV	Agreed or Court finding: FMV	Husband contends: Marital or Sep (M/S)	Wife contends: Marital or Sep (M/S)	Agreed or Court finding: Marital or Sep	Husband contends Who has it? (H/W)	Wife contends: Who has it? (H/W)	Agreed or Court finding: Who has it?	Husband contends Who gets it? (H/W)	Wife contends: Who gets it? (H/W)	Agreed or Court finding: Who gets it?
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51.												
52.												

SCHEDULE VI
BUSINESSES AND STOCKS
Include a description of the account sufficient that the Court can identify it.

	Value			Classification			Possession			Distribution		
PROPERTY	Husband contends: DOS FMV	Wife contends: DOS FMV	Agreed or Court finding: FMV	Husband contends: Marital or Sep (M/S)	Wife contends: Marital or Sep (M/S)	Agreed or Court finding: Marital or Sep	Husband contends Who has it? (H/W)	Wife contends: Who has it? (H/W)	Agreed or Court finding: Who has it?	Husband contends Who gets it? (H/W)	Wife contends: Who gets it? (H/W)	Agreed or Court finding: Who gets it?
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54.												
55.												
56.												

SCHEDULE VII
RETIREMENT
(Pension, 401 (k), Profit-Sharing, IRA)

	Value			Classification			Possession			Distribution		
NAME- INSTITUTION	Husband contends: DOS FMV	Wife contends: DOS FMV	Agreed or Court finding: FMV	Husband contends: Marital or Sep (M/S)	Wife contends: Marital or Sep (M/S)	Agreed or Court finding: Marital or Sep	Husband contends Who has it? (H/W)	Wife contends: Who has it? (H/W)	Agreed or Court finding: Who has it?	Husband contends Who gets it? (H/W)	Wife contends: Who gets it? (H/W)	Agreed or Court finding: Who gets it?
57.												
58.												
59.												

SCHEDULE VIII
LIFE INSURANCE POLICIES
(Use the Cash Value of your policies)

	Value			Classification			Possession			Distribution		
PROPERTY	Husband contends: DOS Cash Value	Wife contends: DOS Cash Value	Agreed or Court finding: Cash Value	Husband contends: Marital or Sep (M/S)	Wife contends: Marital or Sep (M/S)	Agreed or Court finding: Marital or Sep	Husband contends Who has it? (H/W)	Wife contends: Who has it? (H/W)	Agreed or Court finding: Who has it?	Husband contends Who gets it? (H/W)	Wife contends: Who gets it? (H/W)	Agreed or Court finding: Who gets it?
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63.												
64.												

SCHEDULE IX

PROPERTY ACQUIRED AFTER DOS

Include a description of the account sufficient that the Court can identify it.

	Value			Classification			Possession			Distribution		
PROPERTY	Husband contends: DOS FMV	Wife contends: DOS FMV	Agreed or Court finding: FMV	Husband contends: Marital or Sep (M/S)	Wife contends: Marital or Sep (M/S)	Agreed or Court finding: Marital or Sep	Husband contends Who has it? (H/W)	Wife contends: Who has it? (H/W)	Agreed or Court finding: Who has it?	Husband contends Who gets it? (H/W)	Wife contends: Who gets it? (H/W)	Agreed or Court finding: Who gets it?
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SCHEDULE X
DEBTS WHICH ARE SECURED

List here debts, which ARE secured by a lien on property.
Include the name, address, telephone number, and account number of the creditor,
and for each creditor identify (the same way you did in the "property schedules") the property securing the debt.
Also, attach a copy of the documents, which show the amount of debt.

	Value			Classification						Distribution		
CREDITOR	Husband contends: DOS BALANCE	Wife contends: DOS BALANCE	Agreed or Court finding: BALANCE	Husband contends: Marital or Sep (M/S)	Wife contends: Marital or Sep (M/S)	Agreed or Court finding: Marital or Sep				Husband contends Who gets it? (H/W)	Wife contends: Who gets it? (H/W)	Agreed or Court finding: Who gets it?
78.												
79.												
80.												
81.												

SCHEDULE XI
DEBTS WHICH ARE NOT SECURED

List here debts, which are NOT secured by a lien on property.
Include the name, address, telephone number, and account number of the creditor.
Also, attach a copy of the documents, which show the amount of debt.

	Value			Classification						Distribution		
CREDITOR	Husband contends: DOS BALANCE	Wife contends: DOS BALANCE	Agreed or Court finding: BALANCE	Husband contends: Marital or Sep (M/S)	Wife contends: Marital or Sep (M/S)	Agreed or Court finding: Marital or Sep				Husband contends Who gets it? (H/W)	Wife contends: Who gets it? (H/W)	Agreed or Court finding: Who gets it?
82.												
83.												
84.												
85.												
86.												

SCHEDULE XII

DIVISIBLE PROPERTY

Itemize on separate sheet as needed

FACTORS	HUSBAND'S CONTENTIONS	WIFE'S CONTENTIONS	AGREED OR COURT FINDING
87. 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. Do not include here appreciation or diminution in value, which is the result of post-separation actions or activities of a spouse.			
88. 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.			
89. Passive income from marital property received after the date of separation, including, but not limited to, interest and dividends.			
90. Increases in marital debt and financing charges and interest related to marital debt.			

SCHEDULE XIII

FACTORS JUSTIFYING AN UNEQUAL DISTRIBUTION

Itemize on separate sheet as needed

FACTORS	HUSBAND'S CONTENTIONS	WIFE'S CONTENTIONS	AGREED OR COURT FINDING
(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			
(7) Any direct or indirect contribution made by one spouse to help educate 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 non-liquid 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;			
(11a) Acts of either party to maintain, preserve, develop, or expand; or to waste, neglect, devalue or convert the marital or divisible property, or both, during the period after separation of the parties and before the time of distribution; and			
(8, 11a, 12) Payments on marital debts since separation.			
(8, 11a, 12) Repairs or improvements to marital assets since separation.			
(12) Any other factor which the court finds to be just and proper.			
(12) Separate property was used for the purchase price of a marital asset.			
(12) Party's family paid the purchase price of a marital asset.			

VERIFICATION

STATE OF NORTH CAROLINA
COUNTY OF _____

_____, first being duly sworn, says that he/she is the Plaintiff/Defendant in the above entitled action, and that the foregoing Equitable Distribution Inventory Affidavit and Attachments is true of his/her own knowledge, except as to matters and things therein state upon information and belief, and as to those matters and things Plaintiff/Defendant verily believes said contents to be true.

_____

Subscribed and sworn to before me, this the ____ day of _____, _____.

_____
NOTARY PUBLIC

My commission expires: _____