

FORMS
REQUIRED BY EQUITABLE DISTRIBUTION RULES
17B JUDICIAL DISTRICT

List of appendixes to Equitable Distribution Rules.

- A. Equitable Distribution Affidavit and Attachments
 - Part I. Marital Property and Divisible Property (Form A)
 - Part II Vested Pension or Retirement Rights (Form B)
 - Part III Separate Property (Form C)
 - Part IV Non-Vested Pension or Retirement Rights (Form D)
 - Part V Separate Property (Direct Contribution in increase in value) (Form E)
 - Part VI Marital Debts (Form F)
 - Part VII Divisible Debts (Form G)
- B. Instructions to Parties
- C. Description of Assets
- D. Pre-Trial Order Form
- E. Stipulation for Judicial Opinion

The forms identified above are attached as Equitable Distribution Forms A through G, are those referred to in the foregoing rules, and are approved for use and required in all Equitable Distribution Claims in District Court.

Effective _____, 2007.

Entered this the ____ day of _____, 2007.

Charles M. Neaves, Jr.
Chief District Court Judge

NORTH CAROLINA

_____ COUNTY.

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

FILE NO.: _____

Plaintiff

Vs.

Defendant

**EQUITABLE DISTRIBUTION
AFFIDAVIT OF THE**

☐

Plaintiff

☐

Defendant

THE AFFIANT, being duly sworn and under oath as shown below, states as follows:

1. That I am filing with the Court, as required by its rules, this affidavit for its use in entering final Judgment of Equitable Distribution of marital property.
2. That this affidavit consists of this sheet and the attached _____ pages.
3. That I have read and understand the "Instructions" which accompany this affidavit, and the information contained in this affidavit is true, accurate and complete. I further certify that I have made full disclosure in said affidavit, of all property, whether marital or separate, in which I hold an interest, or which is held for me by others on my behalf.
4. I understand that omissions or misstatements of fact in my affidavit may subject me to sanctions by the Court.

This the _____ day of _____, 2007.

AFFIANT

Sworn and subscribed before me
this the _____ day of _____, 20____.

Notary Public

My Commission Expires: _____

Part I – Form A (Page 1 of _____) File Number _____

Affidavit of ☐ Husband ☐ Wife / ☐ Plaintiff ☐ Defendant

List all real or personal property which is **marital property and divisible property**.

Item No.	Description of Asset & Present Location	Fair Market Value as of separation	Outstanding lien or mortgage owed as of date of separation	Net Fair Market Value as of date of separation	Proposed Distribution (H) or (W)
Total of this Page of Part I					
If this is the last page of Part I, total all pages of Part I here.					

Part II – Form B (Page 1 of _____) File Number _____

Affidavit of ☐ Husband ☐ Wife / ☐ Plaintiff ☐ Defendant

Complete the following concerning all vested pension or retirement rights which are marital property and which you now receive or expect to receive. Complete this section in consultation with your attorney. You must complete either Part A or Part B. You may complete both Part A and Part B if you wish the court to have available to it both types of valuation information. For the part(s) you complete, do not leave any column blank.

Part A – Still Working		Part B – Retired			
Full name of Pension/Retirement Plan with Name and Address of Administrator	Present Value as of Date of Separation	How Paid (weekly, monthly, etc.)	Month and Year your participation in this plan began	Number of months you participated in this plan during the marriage until the marriage ended (from date of marriage until date of separation)	Total Number of months you participated in this retirement plan

Part III – Form C (Page 1 of _____) File Number _____

Affidavit of ☐ Husband ☐ Wife / ☐ Plaintiff ☐ Defendant

List all real or personal property which is your separate property. This means property owned by you which is **not** marital property and was **not** listed in Part I of this affidavit.

Item No.	Description of Assets and Present Location	Source of Funds for acquisition	Fair Market Value as of Date of Separation	Outstanding lien or mortgage owed as of Date of Separation	Net Fair Market Value as of Date of Separation
Total of this Page					

Part IV – Form D (Page 1 of _____) File Number _____

Affidavit of ☐ Husband ☐ Wife / ☐ Plaintiff ☐ Defendant

Complete the following concerning all non-vested pension or retirement rights which are separate property and which you will receive or expect to receive. Complete this section in consultation with your attorney. Do not leave any column blank.

Full name of Pension/Retirement Plan with Name and Address of Plan Administrator	Month and Year your participation in this Plan began	Are you currently in this Plan?	Total of Your Individual Contributions to this Plan as of Date of Separation
Total this Page			

Part V – Form E (Page 1 of ____) **File Number** _____

Affidavit of ☐ Husband ☐ Wife / ☐ Plaintiff ☐ Defendant

If there was an increase in value of any item claimed by the opposing party as separate property, did you during your marriage make a direct contribution to that increase in value?

☐ Yes ☐ No; If so, complete the following:

[illegible]

Part VI – Form F (Page 1 of ____) File Number _____

Affidavit of ☐ Husband ☐ Wife / ☐ Plaintiff ☐ Defendant

Complete the following concerning all marital debts. These are debts which were incurred after the date of marriage and before the date of separation and which were unpaid as of the date of separation.

[illegible]

Part VII – Form G (Page 1 of ____) File Number _____

Affidavit of ☐ Husband ☐ Wife / ☐ Plaintiff ☐ Defendant

Complete the following concerning all divisible debts.

[illegible]

INSTRUCTIONS TO PARTIES
For Use in Completion of Equitable Distribution Financial Affidavit

- (1) READ THESE INSTRUCTIONS CAREFULLY. The affidavit must be fully and accurately prepared. Your interest in this lawsuit will be harmed if your affidavit does not contain all the information required and is not accurate. Do not guess or estimate as to any figures or dates.
- (2) If you have 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 your affidavit not being allowed into evidence by the Court.
- (3) The affidavit when filed with the Clerk of Court must be typed. There must be at least one original and two reproduced copies.
- (4) Each individual item must be listed separately.
- (5) Only marital property should be listed in Part I. Be certain that you understand from your attorney what is and is not marital property.
- (6) Addressing the mechanics of filling out the Part I affidavit, you will note the caption line beginning with the words "Affidavit Of". Designate yourself as the Plaintiff or Defendant / Husband or Wife; list the page number of the sheet and file number.
- (7) The order in which you list each asset should follow the same order as listed at the end of these instructions. Due to the amount of information required, this could mean shifting from page two of one affidavit to page fifty of another to secure information about the same asset. You will begin this affidavit completion process by filling in the Item Number block with the classification of your asset or Real Property – resident is I(a); place I(a) in the Item Number column and list the description and present location of that piece of property. Proceed from asset description to asset description omitting and adding the facts required under the Description of Asset column, list numerically each item in that classification.
- (8) Some types of information do not apply to certain assets. For example, the saving accounts listed will not have an "Amount of Outstanding Mortgage/Lien" entry.
- (9) If you need more sheets than originally given you, obtain more from your attorney, or copy the original provided to you. Do not fill blank sheets out on your own and attach them to the sheets provided to you.
- (10) Remember to accurately complete the "Total" in the columns that require a total.
- (11) Remember that the property to be listed in Part III of the affidavit is "separate property" only. Be certain that you understand from your attorney what is "separate property". The items of separate property should be listed in the same order as shown in paragraph 6 of these instructions.
- (12) When you are given the affidavit by your attorney, you should complete it and return it to him/her as soon as possible.
- (13) 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.
- (14) Omissions or misstatements of fact in your affidavits may subject you to sanctions by the Court.

DESCRIPTION OF ASSETS

- I. Realty
 - A. Real Property – Residence
 - B. Real Property – Rental
 - C. Real Property – Commercial / Business
 - D. Real Property - Recreational
 - E. Real Property – Time Share
 - F. Real Property – Other
- II. Personal Property
 - A. Automobiles
 - B. Trucks
 - C. Vans
 - D. Motorcycles
 - E. Boats
 - F. Airplanes
 - G. Others, etc
- III. Stocks and Bonds
 - A. Stocks (closely held)
 - B. Stocks (other)
 - C. Bonds
 - D. Debentures
 - E. Money Market Accounts
 - F. Stock-options
 - G. Options
 - H. Futures
 - I. Others
- IV. Bank Accounts
 - A. Checking Accounts
 - B. Savings Accounts
 - C. Certificates of Deposits
 - D. Safe Deposit Boxes
 - E. Cash in hand or held by another
 - F. Other
- V. Metals and Collections
 - A. Gold
 - B. Silver
 - C. Guns
 - E. Coins
 - F. Other
- VI. Miscellaneous Notes and Income Producing Assets
 - A. Promissory Notes
 - B. Annuities
 - C. IRA Accounts, Deferred Compensation Accounts
 - D. Trust Income

VII. Antiques

- A. Antique Furniture (not listed under "Furniture" below)
- B. Antique Firearms
- C. Antique Coins
- D. Coins (other)
- E. Paintings (not listed under "paintings" below)
- F. Other

VIII. Jewelry (Itemize)

IX. Animals

- A. Dogs
- B. Cats
- C. Horses
- D. Cattle
- E. Other

X. Patents, Copyrights

XI. Business Interests

- A. Partnership Interest
- B. Sole Proprietorship Interest
- C. Unincorporated Association Interest

XII. Non-Antique Household Goods

- A. Furniture (not listed under "Antiques")
- B. Furniture in bedrooms of children
- C. Paintings (not listed under "Antiques")
- D. Furnishings
- E. Dishwasher
- F. Washing Machine
- G. Dryer
- H. Outdoor Furniture
- I. Televisions
- J. Radios
- K. Stereos
- L. Children's Books / Toys
- M. Sporting Goods
- N. Tools
- O. Lawn Mowers / Equipment
- P. Other

XIII. Any Other Item Not Listed Above