

STATE OF NORTH CAROLINA
COUNTY OF _____

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO.:

Plaintiff,)
)
)
 VS.)
)
)
 Defendant.)
 _____)

**PRELIMINARY
EQUITABLE DISTRIBUTION
AFFIDAVIT OF _____**

Date of Marriage:
Date of Separation:
Date of Divorce:

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 on 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 Schedule V of this Affidavit.

This the _____ day of _____, 20__

Plaintiff / Defendant

Sworn to and subscribed before me this
_____ day of _____, 20__

NOTARY PUBLIC
My Commission Expires: _____

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 any 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.

The following is a list of abbreviations and definitions:

- FMV – Fair Market Value
- DOS – Date of Separation
- DOM – Date of Marriage
- M – You contend is Marital Property
- S – You contend is Separate Property
- H – Proposed Distribution to Husband
- W – Proposed Distribution to Wife

“Contentions, Comments and Any Change in Value/Balance per NCGS §50-20(b)(4)(a-d)” means any information that you feel is relevant and should be considered by the Court regarding the asset/debt relating to the value or distribution of each item of property or debt and any information related to NCGS §50-20(b)(4)(a-d)

For each asset listed on Schedule I that is encumbered by a debt, list the debt in the row immediately below the asset. For example...

SCHEDULE I: ASSETS
A. REAL ESTATE

Item#	Description (list full address of property and in what name property is titled)	FMV at DOS	Current FMV	Who has Possession	Proposed Distribution	Contentions, Comments & Any Change In Value Per NCGS §50-20(b)(4)(a-d)
1	My house located on street, city, state	Value	Value			
2	Mortgage on my house	Mortgage balance	Mortgage balance			

If you believe any asset or debt is a mixed asset or debt, list that asset or debt on the appropriate schedule you believe best fits the classification and make a comment supporting your contention.

SCHEDULE I - MARITAL ASSETS

List of categories & examples

A. REAL ESTATE

1. Primary Residence
2. Residential Rental Property
3. Commercial/Business Property
4. Recreational/Secondary Residence
5. Time Share
6. 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. Farm and utility trailers
10. Other forms of transportation (anything that has a "title")

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 Deposits
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

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

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

1. Artwork (paintings, pottery, etc.)
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)
11. Other Collectables

F. BUSINESS INTERESTS

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)

G. HOUSEHOLD GOODS AND EQUIPMENT

1. Furniture (including antiques)
2. Pictures, prints & other wall hangings (if not included on Category E)
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 Category E)
13. China & Crystal
14. Other Household Items (not previously listed)

H. OTHER ASSETS

1. Life Insurance
2. Other Insurance with cash value
3. Promissory Notes
4. Debts/Notes/Money Payable (Money owed 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

List only debts not previously listed on Schedule I

List of categories and examples

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, 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.

SCHEDULE III - SEPARATE PROPERTY / DEBTS

Item#	Description of ASSET	FMV of Asset at DOM	FMV of Asset at DOS	Current FMV of Asset	When and How Asset Acquired	Contentions, Comments & Any Change In Value Per NCGS §50-20(c)
Item#	Description of DEBT	Amount Owed at DOM	Amount Owed at DOS	Current Amount Owing	When and How Debt Acquired	Contentions, Comments & Any Change In Balance Owing Per NCGS §50-20(b)(4)(a-d)

SCHEDULE IV – DISTRIBUTIONAL FACTORS

Instructions:

- **Mark all factors which you believe are applicable and entitle you to more than half distribution.**
- **Summarize the factual basis for your contentions about each factor which you check.**

No.	Factors	Mark “X” If Applies	Explain
1.	The income, property, and liabilities of each party at the time the division of property is to become effective. (If you select this one, complete & file an Affidavit of Financial Standing form)		
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 or 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 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 nonliquid character of the marital property.		
10.	The difficult 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.		
11a.	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.		

SCHEDULE V –DISCLOSURE OF DOCUMENTS

I have provided the opposing party copies of the documents listed below:

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served the forgoing document on all the parties to this cause by:

___ Depositing a copy thereof postage paid, in the United States mail to the attorney or party addressed as follows:

___ Hand delivering a copy hereof to the attorney or party addressed as follows:

___ Depositing a copy thereof with a nationally recognized courier service, for delivery, addressed to the attorney or party as follows:

___ Telecopying a copy thereof to the attorney or party as follows:

This ___ day of _____, 20__

(Signature of Affiant)