

**INVENTORY EQUITABLE DISTRIBUTION AFFIDAVIT AND FINAL
EQUITABLE DISTRIBUTION AFFIDAVIT PREPARATION INSTRUCTIONS**

(1). **READ THESE INSTRUCTIONS CAREFULLY!** The Inventory Equitable Distribution Affidavit and the Final Equitable Distribution Affidavit must be fully and accurately prepared. Your interests in this lawsuit may be harmed if your affidavit does not contain all the information required and is not accurate.

(2). If you have questions, or are unsure how to list certain information, ask your attorney first so that your affidavits will be complete and correct before they are filed. Failure to fully comply with these instructions may result in your affidavits not being allowed into evidence by the court or other sanctions.

(3). The Inventory Equitable Distribution Affidavit must contain a complete list of all items of marital property and separate property subject to distribution in the pending equitable distribution case. Each individual asset and debt must be listed separately by number. Each affidavit should also contain a designation by each party reflecting each party's contention as to who has possession of the asset at the time of the filing of the Affidavit.

(4). Only "marital property" should be listed in Part I. Be certain that you understand from your attorney what is and is not "marital property." Attorneys should make sure clients understand what is and what is not "marital property."

(5). The affidavit form has been designed to provide a section for each of the following categories:

- Part I Marital property
- Part II Separate property
- Part III Mixed property (Combination of Marital and Separate Property)
- Part IV Pensions
- Part V Marital Debts

Each of Parts I through Part V should be divided into sub-categories which have an accompanying alphabetical denomination as shown below:

- A. Real Property
- B. Motor Vehicles
- C. Household furnishings
- D. Bank Accounts
- E. Jewelry
- F. Stocks and Bonds
- G. Business interests
- H. Miscellaneous Property

Beginning with Part I, which is indicated at the top of the affidavit form, you should mark the subcategory letter in the blank provided at the top of a new subcategory, beginning with "A" and continue alphabetically for each subcategory for which you have property. You should also note at the top of each new subcategory the subcategory that accompanies the letter designation; for example: "A. Real Property."

After marking the appropriate subcategory, you should proceed to list the items of assets or debts under each subcategory.

The Plaintiff, in the preparation of the Inventory Equitable Distribution Affidavit, shall list the assets in the center column of the form. The purpose of the Inventory Equitable Distribution Affidavit is to list the contentions of the parties as to items of property at issue in a case as well as classification of property and should not include valuation contentions of the assets at this time.

When the Inventory Equitable Distribution Affidavit is served upon the Defendant, the Defendant will list, on the same form, continuing with the numerical order in Plaintiff's affidavit, any assets Defendant contends were not listed by Plaintiff or were not properly classified by Plaintiff. If Defendant disagrees with the classification made by Plaintiff, a notation should be made beside the asset in question. If Defendant has assets he/she deems to be marital which have not been listed by Plaintiff, these should be added at the end of the original column of assets, continuing with the numbering on Plaintiff's affidavit.

If any asset for any subcategory does not fit within a specific subcategory, use the subcategory designated "Miscellaneous Property."

(6). If you are not represented by an attorney, these rules apply equally to you and it is your responsibility to comply with these instructions. You must file the Inventory Equitable Distribution Affidavit and the Final Equitable Distribution Affidavit with the Clerk of Superior Court of Buncombe County and serve a copy of the filed affidavit upon the opposing party, either in person or by mail.

(7). Omissions or misstatements of fact in your affidavits could constitute perjury and may subject you to sanctions by the Court.

(8). The attorneys and parties shall cooperate in the exchange of information necessary to facilitate the efficient preparation of both affidavits. By example, the parties shall promptly provide copies of affidavits to the other party by email or by disc, upon request by any party, in the event a party does not have computer-scanning capabilities.

(9) The Final Pretrial Affidavit must be a complete list of all items of marital property and separate property as listed on the Inventory Affidavits previously filed by the parties. The Final Pretrial Affidavits must contain each party's contentions as to values as set forth on the form affidavit.

(10) The Final Pretrial Affidavit should have updated changes reflecting any change in possession of the asset since the time of the filing of the Inventory Affidavit.

(11) The Final Pretrial Affidavit should contain an "*" in each party's "possession column" of any asset that party is asking the Court to distribute to that party.

(12) Form _____ and Form _____ shall be used in all equitable distribution actions filed in the 40th Judicial District. That after the filing of the inventory affidavit and after pretrial conference, the trial court may require more comprehensive final equitable distribution affidavits due to complexity of issues in a case, as may be necessary on a case by case basis.

LEGEND FOR ABBREVIATIONS USED ON FORMS

NO.	NUMBER
ORIG.	ORIGINAL
FMV	FAIR MARKET VALUE

DOS	DATE OF SEPARATION
DOM	DATE OF MARRIAGE
H.	HUSBAND
W.	WIFE
INHT	INHERITED
AMT.	AMOUNT