

NORTH CAROLINA
CUMBERLAND COUNTY

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

Plaintiff)
vs.) FINAL PRE-TRIAL ORDER
Defendant)

THIS MATTER coming on to be heard upon Pre-Trial Conference before the undersigned Judge Presiding upon pleadings seeking an equitable distribution of the parties marital property; and

IT APPEARING that the parties have reached agreement on certain facts and issues and have delineated the areas of their agreement and disagreement; and

IT APPEARING that by their signatures affixed hereto, each party has stipulated that he or she agrees with the factual information contained in this Order and the schedules attached hereto; and

IT FURTHER APPEARING that each party has warranted that he or she has disclosed the existence of all property, both separate and marital, to which he or she may have claim as of their date of separation, regardless of how such property may be titled or how actual ownership may be designated; and that said disclosures have been full and honest and free of any fraud.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED:

1. That the court has jurisdiction over the parties and the subject matter of this action.

2. That Plaintiff and Defendant were married on _____.

3. That there were _____ children born to the marriage, to-wit:
_____, born _____.

4. (Whatever custody & support status is) That temporary custody and temporary child support issues have been previously determined and Plaintiff has primary custody and Defendant has secondary temporary custody of the minor children.

5. That Plaintiff and Defendant separated on or about _____.

6. That Plaintiff and Defendant were lawfully divorced from each other on _____ (Or not yet divorced).

7. That Schedule A is a list of all property and debts stipulated to be marital with each party's contention as to value.

8. That Schedule B is a list of all property and debts stipulated to be separate with each party's contention as to value.

9. That Schedule C is a list of all property and debts stipulated to be divisible with each party's contention as to value

10. That Schedule D is a list of all property and debts contested as to classification with each party's contention as to value.

11. That Schedule E is a list of Plaintiff's contentions supporting an unequal division.

12. That Schedule F is a list of Defendant's contentions supporting an unequal division.

13. Trial has been set for _____.

This the _____ day of _____, 2011.

JUDGE PRESIDING

CONSENTED TO:

Plaintiff

Defendant

Attorney for Plaintiff

Attorney for Defendant

SCHEDULE E

PLAINTIFF'S CONTENTIONS FOR AN UNEQUAL DIVISION

- _____ The income, property, and liabilities of each party at the time the division of property is to become effective.
- _____ Any obligation for support arising out of a prior marriage.
- _____ The duration of the marriage and the age and physical and mental health of both parties.
- _____ 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.
- _____ The expectation of pension, retirement, or other deferred compensation rights that are not marital property.
- _____ 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, parent, wage earner or homemaker.
- _____ Any direct or indirect contribution made by one spouse to help educate or develop the career potential of the other spouse.
- _____ Any direct contribution to an increase in value of separate property which occurs during the course of the marriage.
- _____ The liquid or nonliquid character of all marital property and divisible property.
- _____ 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.
- _____ The tax consequences to each party, including those federal and State tax consequences that would have been incurred if the marital and divisible property had been sold or liquidated on the date of valuation. The trial court may, however, in its discretion, consider whether or when such tax consequences are reasonably likely to occur in determining the equitable value deemed appropriate for this factor.
- _____ Acts of either party to maintain, preserve, develop, or expand; or to waste, neglect, devalue or convert the marital property or divisible property, or both, during the period after separation of the parties and before the time of distribution.
- _____ In the event of the death of either party prior to the entry of any order for the distribution of property made pursuant to this subsection:
- _____ Any other factor which the court finds to be just and proper as set out below:

SCHEDULE F

DEFENDANT'S CONTENTIONS FOR AN UNEQUAL DIVISION

- _____ The income, property, and liabilities of each party at the time the division of property is to become effective.
- _____ Any obligation for support arising out of a prior marriage.
- _____ The duration of the marriage and the age and physical and mental health of both parties.
- _____ 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.
- _____ The expectation of pension, retirement, or other deferred compensation rights that are not marital property.
- _____ 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, parent, wage earner or homemaker.
- _____ Any direct or indirect contribution made by one spouse to help educate or develop the career potential of the other spouse.
- _____ Any direct contribution to an increase in value of separate property which occurs during the course of the marriage.
- _____ The liquid or nonliquid character of all marital property and divisible property.
- _____ 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.
- _____ The tax consequences to each party, including those federal and State tax consequences that would have been incurred if the marital and divisible property had been sold or liquidated on the date of valuation. The trial court may, however, in its discretion, consider whether or when such tax consequences are reasonably likely to occur in determining the equitable value deemed appropriate for this factor.
- _____ Acts of either party to maintain, preserve, develop, or expand; or to waste, neglect, devalue or convert the marital property or divisible property, or both, during the period after separation of the parties and before the time of distribution.
- _____ In the event of the death of either party prior to the entry of any order for the distribution of property made pursuant to this subsection:
- _____ Any other factor which the court finds to be just and proper as set out below: