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| NORTH CAROLINA14th JUDICIAL DISTRICTDURHAM COUNTY | IN THE GENERAL COURT OF JUSTICEDISTRICT COURT DIVISION\_\_\_\_\_\_\_\_-CVD-\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Plaintiff-v-\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Defendant | EQUITABLE DISTRIBUTION

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| **INVENTORY****AFFIDAVIT** |

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 The undersigned affiant, after being duly sworn, says that the attached list of property and debts are all the assets and liabilities accumulated and/or owned on the date of separation (DOS) or acquired since the DOS and prior to the filing of this document to the best of my knowledge as of the date of the signing of this affidavit.

 This inventory is submitted for purposes of pre-trial discovery and in no way is intended to be an exhaustive list of all assets of which I may not have knowledge. However, I certify that the following list is a full and complete disclosure of all assets and liabilities within my knowledge as of the date of submitting this inventory to the Court. The affiant also certifies that the values listed herein are estimated in good faith subject to further discovery, appraisals and my final Equitable Distribution Affidavit.

 The Plaintiff and Defendant were married on the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_, and separated on or about the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_.

 This the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Signature (Plaintiff or Defendant)

Subscribed and sworn to before me this

the \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public

My commission expires:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**INSTRUCTIONS TO PARTIES For completion of Equitable Distribution Inventory Affidavit**

1. READ THESE INSTRUCTIONS CAREFULLY. Your inventory must be fully and accurately prepared. Submission of this inventory is required by the 14th Judicial District: Durham County Family Court Domestic Rules (hereinafter “Local Rules” or “Rules”). A copy of the Rules is available in the Family Court Office, located on the sixth (6th) floor of the Durham County Courthouse, 510 S. Dillard Street, Durham, NC 27701 (and also here: http://www.nccourts.org/Courts/CRS/Policies/LocalRules/Documents/1503.PDF). If you are not represented by counsel, you should obtain a copy of those Rules so that you comply with them and assure that you do not prejudice your case. Your interests in this lawsuit will be harmed if your affidavit does not contain all the information required and if that information is not accurate.
2. READ THE INVENTORY FORM THOROUGHLY AND CAREFULLY. If you have any questions, or are unsure how to list certain information, ask your attorney first so that your inventory will be complete and correct before it is placed in final typed form. Failure to fully comply with these instructions may result in sanctions being imposed against you by the Court.
3. The inventory must be typed and your signature must be notarized. There must be at least three typed or reproduced copies. This inventory must be served within the time frames listed in Local Rule 11.2 (currently at or before the date of the status conference, but not later than ninety (90) days after the filing of the action for equitable distribution. Please note that the inventory itself is NOT to be filed with the Clerk of Court of Family Court, though it may be ultimately entered in a hearing/trial as an exhibit. However, you must file with the Clerk of Court a **CERTIFICATION OF INITIAL DISCLOSURES** (**Form DUR-DOM-12).**
4. Each individual asset and/or liability must be listed separately. You must list the items in the order set forth on page three entitled "Order of Assets and Debts for Inventory." You may omit sections or categories of assets that are not included in your case. You must also serve on the other party the documents listed in Local Rule 6.3 that are in your possession or within your control and which relate to any item(s) referenced in your inventory.
5. The purpose of this inventory is to facilitate early and accurate disclosure of all property and debts. This inventory form is the basis for your Equitable Distribution Affidavit (DUR-DOM-11) which is a similar form required under the local rules but a more final accounting of the relevant assets and debts to be distributed.
6. Instruction for each Schedule should be followed. Definitions used in this form are not intended to be all-inclusive and each party should seek individual legal counsel if they need assistance. Definitions used in these forms are simply a summary of the definitions set forth in North Carolina Statutes § 50-20, but they should not be relied upon without the advice of an attorney. DOS as used throughout this form shall refer to the Date of Separation of the parties. Each column in each schedule must be fully completed prior to filing with the court.
7. If you are given the inventory by your attorney, you should complete it and return it to him or her as soon as possible.
8. 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. You must deliver, in person, by facsimile, or by mail, a copy of the original to the attorney representing the opposing party or to the unrepresented opposing party, at/or before the scheduled Equitable Distribution Status Conference. (Please refer to the Local Rules). **THIS DEADLINE IS IMPORTANT AND FAILURE TO COMPLY WITH THE DEADLINE MAY RESULT IN THE IMPOSITION OF SANCTIONS.**
9. Intentional omissions or misstatements of fact in your affidavit will constitute perjury and may subject you to sanctions by the Court.

**ORDER OF ASSETS AND DEBTS FOR INVENTORY**

**LIST ASSETS IN THE FOLLOWING ORDER FOR ALL SCHEDULES DEALING WITH ASSETS**

|  |  |  |
| --- | --- | --- |
| A. Realty1. Residential
2. Rental
3. Commercial/Business
4. Recreational

B. Transportation1. Automobiles2. Trucks3. Vans4. Motorcycles5. Boats6. AirplanesC. Stocks and Bonds7. Stocks - publicly traded8. Bonds and Debentures9. Mutual funds10. Stock – options11. Stocks12. FuturesD. Bank Accounts & IRA Accounts1. Checking accounts2. Savings accounts3. IRA accounts4. Certificates of deposit5. Cash in hand or held by another | E. Artwork, Metals, & Other Collectibles1. Artwork2. Gold3. Silver4. Firearms5. CoinsF. Miscellaneous Notes and Income1. Producing Assets2. Promissory Notes3. Annuities4. Interest in TrustG Silver, China and Crystal1. Jewelry

I. Animals1. Dogs2. Cats3. Horses4. Cattle5. OtherJ. Intellectual Properties1. Inventions & Trade Secrets2. Copyrights & Patents3. Trademarks & Trade Names | K. Business Interests1. Partnership Interest2. Sole Proprietorship Interest3. Unincorporated Association Interest4. Closely Held Corporations5. (includes stock)L. Household Goods1. Furniture (including Antiques)2. Pictures, Prints and Other wall hangings3. Appliances (including dishwasher, washing machine/dryer, etc.)4. Electronics (including TV, radio, stereo, etc.)5. Linens6. Books7. Kitchen Utensils8. Outdoor Furniture9. Sporting Goods10. Tools11. LawnmowersM. Cash Value Life InsuranceN. Vested Pension & Retirement Account1. Defined Benefit Plan2. Defined Contribution Plan3. Profit Sharing |

TABLE OF SCHEDULES

Schedule I: Marital Assets

Schedule II: Unsecured Marital Debts

Schedule III: Separate Assets

Schedule III-A: Active Increase in Value of Separate Property Prior to Date of Separation (hereinafter DOS)

Schedule IV: Separate Debts

Schedule V: Divisible Property

Schedule V-A: Passive Increases and Decreases to Value of Marital Property

Schedule V-B: Commissions, Bonuses, Property, Etc., Received after DOS but Earned Prior to DOS

Schedule V-C: “Passive” Income Received after DOS From Marital Property

Schedule V-D: Post DOS Increases to Marital Debt, Financing Charges and Interest Charges

Schedule VI: Property Acquired after Separation

Schedule VII: Post-Separation Disposal of Marital Property

Schedule VIII: Post-Separation Reduction of Marital Debt

Schedule IX: Contributions to Separate Property of Other Spouse

## Schedule I: Marital Assets

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| Marital property generally consists of property acquired during the marriage and owned at the date of separation. Property and debts can be marital and are to be listed on the appropriate schedules. In determining FMV (Fair Market Value) below, list your source on the schedule (e.g. recent appraisal, a Realtor’s Comparative Market Analysis, Kelley Blue Book, tax bill, etc. | **Description of Asset and Lien If Any (To Include last 4 digits of Account Number)** | **Current****Possession (Pl/Def)** | **DOS Net FMV (FMV less Debt/Liens)** |
| A.1 | Example: House and Lot 23 Smith Level Road, Durham,Lien with First Union Bank Acct. No. XXXX-1234 | Def | (FMV) $120,000.00(First Mortgage) - $25,000.00$95,000.00\*Source: appraisal from last refinance |
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## SCHEDULE II: UNSECURED MARITAL DEBTS

Marital debt is generally debt that was acquired during the marriage for the joint benefit of the parties. The classification of marital debt is not simply a matter of determining in which party’s name a debt was incurred, but rather the purpose for which the debt was acquired or incurred. For the purpose of completing this schedule, you should list the last 4 digits of the account numbers for all debts including credit card debts. Secured debts should be listed on the appropriate schedule as a lien, mortgage or other encumbrance against a specific asset.

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|  | **Type of Debt and Name & Address of Creditor and Account Number** | **Name(s) of Person Listed on the Debt (Pl/Def)** | **Reason Debt Incurred** | **DOS****Balance** | **a) Present Balance****b) Party Who Has Paid since DOS (Pl/Def/other)** |
| 1. | Example: Credit CardAll State Credit123 Smith Road, Durham, N.C. 27701Acct. No. XXXX-1234 |  Pl | Purchase Washer | $500.00 | a) $525.00 as of 1/31/01b) Pl  |
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**SCHEDULE III: SEPARATE ASSETS**

“Separate property” does not include property acquired after the date of separation. This category includes the following: a) property acquired before marriage; b) property inherited or acquired by gift to one spouse during the marriage by a third party; c) property acquired by gift from one spouse to the other spouse during marriage only if such an intention is stated in the conveyance; d) property acquired in exchange for separate property, regardless of who is on title, unless a contrary intention is expressly stated in the conveyance; and e) professional licenses and business licenses which would terminate on transfer. With respect to FMV, see the instructions in Schedule I.

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| --- | --- | --- | --- | --- |
|  | **Description of Asset** | **Basis for Separate Classification** | **Possession (Pl/Def)** | **DOS Net FMV****(FMV less Debt or Liens)** |
| B.1 | Example: 1965 Ford car | Owned prior to marriage | Def  | $10,000.00\*Source: KBB (good condition) |
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**SCHEDULE III-A**

**ACTIVE INCREASE IN VALUE OF SEPARATE PROPERTY**

**PRIOR TO DATE OF SEPARATION**

If you contend that any separate property owned by the other party has actively increased in value (for example, because of your efforts or your spouse’s efforts, or the efforts of both of you) during the course of the marriage and prior to the date of separation, then complete the following schedule. The amount of such active appreciation may be considered marital property.

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|  | **Description of Asset** | **Owner of Asset (Pl/Def)** | **Net FMV at DOM** | **Net FMV at DOS** | **Amount of Active Increase** |
| B.1 | Example: 1965 Ford car |  (Def) | $5,000.00\*Source: Tax bill | $10,000.00 | $5,000.00 |
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**SCHEDULE IV. SEPARATE DEBTS**

List all debts that you have not previously listed as separate debts.

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|  | **Name & Address of Creditor, Account Number** | **Name(s) of person listed on the debt (Pl/Def)** | **Basis for Separate Classification** | **Pre-marital Balance** | **DOS Balance** |
|  | Example: First Union Bank, 1234 First Street Durham, North Carolina Acct. No. XXXX-1234 |  Pl  | Borrowed after the DOS | $0.00 | $0.00 |
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**SCHEDULE V: DIVISIBLE PROPERTY**

**INSTRUCTIONS:** Use this section of the affidavit to list “divisible property,” which is all real and personal property that falls within the following four categories:

**SCHEDULE A:** List here all “passive” increases and decreases in value to marital property that occurs after the date of separation (DOS) and prior to the date of distribution (DOD). Increases and decreases in value that are attributable to the efforts of actions of you or the other party are “active” and should not be listed here. For example, the increase in the value of a marital home after DOS and prior to DOD is normally a “passive” increase because it is usually due to market forces and conditions. If that is the case, the increase would be listed here as divisible property. However, if the increase in the value of the home is due to one of the party’s efforts to renovate the home with post-separation funds following DOS, then the increase is “active” and the increase in value should not be listed here.

**SCHEDULE B**: On this schedule you should list items such as commissions, bonuses, contractual payments, property, or property rights that were received by either party after DOS but prior to DOD, and were acquired as a result of efforts of either spouse during the marriage and prior to DOS. For example, a party may have earned an employment bonus prior to DOS, but the bonus was not actually paid until after DOS. The bonus would be “divisible property” and would be properly listed below. However, bonuses, commissions and other post-separation payments or transfers that were earned after DOS would not be divisible property and should not be listed as such.

**SCHEDULE C:** Use this schedule to list “passive” income from marital property received or accrued after DOS, including but not necessarily limited to interest and dividends. Do not list contributions of funds made after DOS from funds earned after DOS.

**SCHEDULE D**: Use this schedule to list any increases in marital debt, financing charges and interest related to marital debt that occurred after DOS and prior to DOD. You should not list any debts that were incurred after DOS nor financing charges and/or interest related to such post-separation debts.

## SCHEDULE V-A

**PASSIVE INCREASES AND DECREASES TO VALUE OF MARITAL PROPERTY**

For any asset or item of marital property which you listed previously, list the asset and the increase or decrease in value since DOS. List any decreases in value in parentheses.

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|  | **Item of Marital Property** | **Reason for Passive Increase or Decrease** | **Amount of Increase or (Decrease) after****DOS** | **Net Value of Item Now** |
| A.1 | Example: House and Lot 23,Smith Level Road, Durham, NC | Replaced Deck after DOS | $5,000.00 | (FMV) $125,000.00 (First Mortgage) - $25,000.00(INCREASE) + $5,000.00$100,000.00 |
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**SCHEDULE V-B**

**COMMISSIONS, BONUSES, PROPERTY, ETC. RECEIVED AFTER**

**DOS BUT EARNED PRIOR TO DOS**

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| --- | --- | --- | --- | --- |
|  | Description of Item (redact account numbers accordingly) | **Received by Pl/Def or Joint** | **Date Received** | **Amount Received** |
|  | Example: Bonus check, May 5, 2000 | Def  | May 5, 2000 | $500.00 |
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**SCHEDULE V-C**

**“PASSIVE” INCOME RECEIVED AFTER DOS FROM MARITAL PROPERTY**

**(e.g., interest and dividends etc.)**

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|  | **Description of Item (redact account numbers accordingly)** | **Received by Pl/Def or Joint** | **Date Received** | Amount Received |
|  | Example: JJS Stock Dividends Acct. No. XXX-1234 | Pl  | May 15, 2000 | $200.00 |
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**SCHEDULE V-D**

**POST DOS INCREASES TO MARITAL DEBT, FINANCING**

**CHARGES, AND INTEREST CHARGES**

This schedule should be completed with reference back to the list of marital debts set out previously. For example, if you listed a charge card as a marital debt and the balance due has increased since DOS, you should identify that debt and increase here. **Please keep all debts listed in a consistent order.**

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| --- | --- | --- | --- | --- |
|  | **Description of Debt** | **DOS Balance** | **Current Balance** | **Reason for Increase** |
|  | Example: All State Credit, 123 Smith Road,Durham, N.C. 27701, Acct. No.123456 | $500.00 | $525.00 | Finance charges  |
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**SCHEDULE VI:**

## PROPERTY ACQUIRED AFTER SEPARATION

List here property acquired by you with funds acquired by you after the date of separation and which is your property. Property acquired after separation with marital funds or in exchange for marital property is marital property and should be listed on the marital property schedule with an appropriate explanation.

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| --- | --- | --- | --- |
|  | **Description of Item** | **Source of Funds Used to Acquire Property** | **Amount Paid to Acquire Property** |
| B.2 | Example: 1999 Ford Ranger | Borrowed money and payments are coming from weekly paychecks | $15,000.00 |
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**SCHEDULE VII:**

**POST-SEPARATION DISPOSAL OF MARITAL PROPERTY**

List all marital assets which have, since date of separation, been totally or partially sold, transferred, consumed, or destroyed, by you or by the other party, including but not limited to: sale of property, withdrawal of funds from accounts, and purposeful or negligent destruction of property. Identify the amount of money or other consideration resulting from the disposal, who effected the disposal (Plaintiff, Defendant, or Joint) and what has been done with the net proceeds, if any (i.e., debts paid, other property acquired). If the property was used to pay marital debts, you should also indicate that on the appropriate schedule. If the property was used to acquire other property after DOS, the newly acquired property may still be marital property and should be identified on this schedule.

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|  | **Description of Item** | **Reason for Disposal of Marital Property and Who Disposed of Property** | **Money or Other Consideration Received** | **Use of Proceeds** |
| L.4 | Example: Television | Pl sold | $500.00 | Paid bills |
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**SCHEDULE VIII:**

**POST-SEPARATION REDUCTION OF MARITAL DEBT**

List payments you have made on marital debt since the date of separation. List each debt by using the number you used on prior schedules. You should have listed the balance on such debts as of DOS on the prior schedules; therefore, there is no need to list the DOS balance here.

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|  | **Marital Debt as Identified Prior** | **Dollar Amount of Payments Made by You since DOS** | **Source of Funds for Payments Made by You** | **Balance Owed Now** |
|  | Example: All State Credit123 Smith Road, Durham N.C. 27701, Acct. No. 123456 | $100.00 as of 1/31/01 | Paychecks received since DOS | $500.00 |
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**SCHEDULE IX:**

## CONTRIBUTIONS TO SEPARATE PROPERTY OF OTHER SPOUSE

If there was an increase in value during the course of your marriage of an item claimed by the other party as his/her ‘separate property’ and you claim you made a direct contribution to the increase in value of that item during the marriage, answer the following:

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Description of Item** | **What is the amount of your contributions, or how much did your contributions add to the value of the asset:** | **Detailed Explanation of Your Contributions** |
| A.2 | Example: House and Lot at 1234 Rise Level Road, Durham, NC | $20,000.00 | I, Plaintiff, helped to remodel the whole house and we purchased all supplies to do the remodeling |
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## CERTIFICATE OF SERVICE

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the undersigned (attorney / party), do hereby certify that a copy of the foregoing Equitable Distribution Inventory was served on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in the following manner:

□ by hand delivery; or

□ by facsimile to: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

□ by depositing a copy of same in the United States Mail, postage prepaid, in the manner and form prescribed in the North Carolina Rules of Civil Procedure and addressed to:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

□ by certified mail.

 This is the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_.

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 Signature of Plaintiff or Defendant or his/her respective attorney