

NORTH CAROLINA
16th JUDICIAL DISTRICT
DURHAM COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
_____ -CVD- _____

_____	Plaintiff
-v-	
_____	Defendant

EQUITABLE DISTRIBUTION

AFFIDAVIT

The undersigned affiant, after being duly sworn as shown below, states as follows:

1. I am filing this affidavit for its use in entering a final judgment of equitable distribution of marital property.
2. I have read and understand the "Instructions" which accompany this affidavit, and the information contained in this affidavit is true, accurate, and complete.
3. I have made a full and complete disclosure of all marital and separate property known to me.
4. This affidavit consists of this sheet and the _____ attached pages.

This the ___ day of _____, 20__.

Signature of: Plaintiff OR Defendant

Subscribed and Sworn to before me
this ___ day of _____, 20__.

Notary Public
My Commission Expires: _____

INSTRUCTIONS TO PARTIES FOR COMPLETION OF EQUITABLE DISTRIBUTION AFFIDAVIT

1. READ THESE INSTRUCTIONS CAREFULLY. Your affidavit must be fully and accurately prepared. Submission of this Affidavit is required by the 16th Judicial District Local Rules. A copy of the Local 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. If you are not represented by counsel, you should obtain a copy of the Local 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 AFFIDAVIT FORM THOROUGHLY AND CAREFULLY. If you have any 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 sanctions being imposed against you by the Court.
3. The affidavit, when filed with the Clerk of Court, must be typed and must substantially conform to this form. Your signature must be notarized. There must be at least three (3) typed or reproduced copies.
4. Each individual item must be listed separately. Further, the affidavit should be completed and filed with the Clerk of Superior Court. You must list the items in the order set forth on the Table of Schedules. If you have additional property that needs to be listed on a particular schedule, please add additional sheets of paper as necessary to give complete information about your property. You may omit sections or categories of assets that are not included in your case.
5. With regard to the mechanics of filling out the affidavit, on each page you need to complete the information asked for on each page in the footer. That is, put a check mark beside Plaintiff if you are the plaintiff or by the Defendant if you are the defendant. You also need to write in your Date of Marriage beside the “DOM” and write in your Date of Separation beside “DOS”.
6. Schedule XIII of this affidavit should be completed only if you are seeking an unequal distribution of marital property. If you are seeking an equal distribution, omit Schedule XIII from your affidavit. If you are seeking an unequal distribution of marital property, you must provide a detailed explanation as to each specific factor that you believe the court should consider in awarding you an unequal division of the marital property.
7. The order in which you list each asset should follow the same order listed in the Table of Schedules. A failure to sequentially follow the classification scheme will result in the Court and counsel needlessly consuming time as they compare the plaintiff’s and defendant’s affidavits for information containing the same asset. **DO NOT OMIT THE “CONTENTIONS” SECTION IF YOU WISH THE COURT TO CONSIDER FACTS OR LEGAL ISSUES RELATING TO THE CLASSIFICATION, VALUE, OR DISTRIBUTION OF EACH ITEM OF PROPERTY OR DEBT.**
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 file the **typed** original of your inventory with the Clerk of Superior Court – Family Court Division, located on the sixth (6th) floor of the Durham County Courthouse, 510 S. Dillard Street, Durham, North Carolina

27701, no later than 30 days following the completion date for ADR. The case manager will provide you with a completion date for ADR at the Status Conference. You must also deliver, in person or by mail, a filed copy of the original to the attorney representing the opposing party or to the opposing party directly if he/she is representing him/herself. (Please refer to the Local Rules for the 16th Judicial District Court). **THIS DEADLINE IS IMPORTANT AND FAILURE TO COMPLY WITH THE DEADLINE MAY RESULT IN THE IMPOSITION OF SANCTIONS.**

9. Omissions or misstatements of fact in your affidavit constitute perjury and may subject you to sanctions by the court.
10. The following is a list of abbreviations used in this affidavit:
 - a. FMV: Fair Market Value
 - b. DOS: Date of Separation
 - c. DOM: Date of Marriage
 - d. H: Husband
 - e. W: Wife
 - f. Jt: Joint (as in joint names listed on a title)

TABLE OF SCHEDULES

- Schedule I: Marital Assets
 - A. Realty
 - B. Transportation
 - C. Stocks and Bonds
 - D. Bank Accounts & IRA Accounts
 - E. Artwork, Metals, and other Collectables
 - F. Miscellaneous Notes and Income Producing Assets
 - G. Silver, China, and crystal
 - H. Jewelry
 - I. Animals
 - J. Intellectual Properties
 - K. Business Interests
 - L. Household Goods
 - M. Cash Value Life Insurance
 - N. Vested Pension & Retirement Accounts
- Schedule II: Marital Debts
- Schedule III: Separate Assets
- Schedule IV: Separate Debts
- Schedule V: Divisible Property
- Schedule VI: Commissions, Bonuses, or other Property received after DOS but earned prior to DOS
- Schedule VII: Passive Income received after DOS from Marital Property
- Schedule VIII: Post DOS Increases to Marital Debt, Financing Charges, and Interest Charges
- Schedule IX: Post DOS Disposal of Marital Property
- Schedule X: Post DOS Reduction of Marital Debt
- Schedule XI: Contributions to Separate Property of Other Spouse
- Schedule XII: Property Acquired after DOS
- Schedule XIII: Contentions for property acquired after DOS
- Schedule XIII: Contentions For An Unequal Distribution Of Marital Property

SCHEDULE I: MARITAL ASSETS

A. Realty

Description of Asset, and Lien holder(s) if any (To Include Account Number) & Type of Real Estate (Residential, Rental, Commercial or Recreational)	Date Acquired & Title Owner (H, W or JT)	Tax Basis = Purchase Price + Cost of Improvements Made	Current Possession (H/W)	Proposed Distribution (H/W)	DOS Net FMV (FMV Less Debt of Liens)	Net FMV at Present (FMV Less Debt or Liens)

SCHEDULE I: MARITAL ASSETS

A.1. Realty Contentions

Description of Asset, and Lien holder(s) if any (To Include Account Number)	The Affiant makes the following contentions relating to the realty listed above:

SCHEDULE I: MARITAL ASSETS
B. Transportation

Make, Model of Asset & Lien holder	Date Acquired & Title Owner (H, W, or JT)	Current Possession H/W	Proposed Distribution H¹/W	DOS Net FMV (FMV Less Debt of Liens)	Net FMV at Present (FMV Less Debt or Liens)

SCHEDULE I: MARITAL ASSETS
B.1. Transportation Contentions

Description of Asset	The Affiant makes the following contentions relating to the transportation listed above:

SCHEDULE I: MARITAL ASSETS
C. Stocks And Bonds

Description of Asset, Location & Account Number	Date Acquired & Title Owner (H, W, or JT)	Current Possession H/W	Proposed Distribution H/W	DOS Net FMV (FMV Less Debt of Liens)	Net FMV at Present (FMV Less Debt or Liens)

SCHEDULE I: MARITAL ASSETS
C.1. Stocks And Bonds Contentions

Description of Asset	The Affiant makes the following contentions relating to the realty listed above:

SCHEDULE I: MARITAL ASSETS

D. Bank Accounts And IRA Accounts

Description of Asset Account Number of Asset & Lien holder	Date Acquired & Title Owner (H, W, or JT)	Current Possession H/W	Proposed Distribution H/W	DOS Net FMV (FMV Less Debt of Liens)	Net FMV at Present (FMV Less Debt or Liens)

SCHEDULE I: MARITAL ASSETS

D.1. Bank Accounts And IRA Accounts Contentions

Description of Assets	The Affiant makes the following contentions relating to the realty listed above:

SCHEDULE 1: MARITAL ASSETS
E. Artwork, Metals, And Other Collectables

Description of Asset & Lien holder	Date Acquired & Title Owner (H, W, or JT)	Current Possession H/W	Proposed Distribution H/W	Purchased Price	DOS Net FMV (FMV Less Debt of Liens)	Net FMV at Present (FMV Less Debt or Liens)

SCHEDULE 1: MARITAL ASSETS
E.1. Artwork, Metals, And Other Collectables Contentions

Description of Assets	The Affiant makes the following contentions relating to the assets listed above:

SCHEDULE I: MARITAL ASSETS
F. Miscellaneous Notes And Income Producing

Description of Asset, Location, Terms of Note, Monthly Payment, Principal & Interest	Date Acquired & Title Owner (H, W, or JT)	Current Possession H/W	Proposed Distribution H/W	DOS Net FMV (FMV Less Debt of Liens)	Net FMV at Present (FMV Less Debt or Liens)

SCHEDULE I: MARITAL ASSETS
F.1 Miscellaneous Notes And Income Producing Contentions

Description of Assets	The Affiant makes the following contentions relating to the assets listed above:

SCHEDULE I: MARITAL ASSETS
G. Silver, China and Crystal

Description of Asset & Lien holder	Date Acquired & Title Owner (H, W, or JT)	Current Possession H/W	Proposed Distribution H/W	Purchased Price	DOS Net FMV (FMV Less Debt of Liens)	Net FMV at Present (FMV Less Debt or Liens)

SCHEDULE I: MARITAL ASSETS
G.1. Silver, China and Crystal Contentions

Description of Assets	The Affiant makes the following contentions relating to the assets listed above:

SCHEDULE I: MARITAL ASSETS

H. Jewelry

Description of Asset & Lien holder	Date Acquired & Title Owner (H, W, or JT)	Current Possession H/W	Proposed Distribution H/W	DOS Net FMV (FMV Less Debt of Liens)	Net FMV at Present (FMV Less Debt or Liens)

SCHEDULE I: MARITAL ASSETS

H.1. Jewelry Contentions

Description of Assets	The Affiant makes the following contentions relating to the assets listed above:

SCHEDULE I: MARITAL ASSETS

I. Animals

Description of Asset & Lien holder	Date Acquired & Title Owner (H, W, or JT)	Current Possession H/W	Proposed Distribution H/W	Purchased Price	DOS Net FMV (FMV Less Debt of Liens)	Net FMV at Present (FMV Less Debt or Liens)

SCHEDULE I: MARITAL ASSETS

I. Animals Contentions

Description of Assets	The Affiant makes the following contentions relating to the assets listed above:

SCHEDULE I: MARITAL ASSETS

J. Intellectual Properties

Identifying Information: (1) Office where registered, or patented, or where patent application is pending; (2) Patent #, trademark or copyright registration # (3) Title, mark or trade name (4) Brief Description (5) Dates filed and issued (6) Original price or costs to create and to register.	Title Owner (H, W, or JT)	Current Possession H/W	Proposed Distribution H/W	Name & Address of each licensee: amount & frequency of payments	DOS Net FMV (FMV Less Debt of Liens)	Net FMV at Present (FMV Less Debt or Liens)

SCHEDULE I: MARITAL ASSETS

J.1. Intellectual Properties Contentions

Description of Assets	The Affiant makes the following contentions relating to the assets listed above:

SCHEDULE I: MARITAL ASSETS

K. Business Interests

Description of Asset & Location (Include whether incorporated, sole proprietorship, partnership, joint venture, etc.)	Date Acquired & Title Owner (H, W, or JT)	Original Price	Current Possession H/W	Proposed Distribution H/W	DOS Net FMV (FMV Less Debt of Liens)	Net FMV at Present (FMV Less Debt or Liens)

SCHEDULE I: MARITAL ASSETS

K.1. Business Interests Contentions

Description of Assets	The Affiant makes the following contentions relating to the assets listed above:

SCHEDULE I: MARITAL ASSETS
L. Household Goods

#	Account Number Asset & Lien holder	Date Acquired & Title Owner (H, W, or JT)	Current Possession H/W	Proposed Distribution H/W	DOS Net FMV (FMV Less Debt of Liens)	Net FMV at Present (FMV Less Debt or Liens)

SCHEDULE I: MARITAL ASSETS
L1. Household Goods Contentions

Description of Assets	The Affiant makes the following contentions relating to the assets listed above:

SCHEDULE I: MARITAL ASSETS
M. Cash Value of Life Insurance

Description of Asset & Lien holder	Date Acquired & Title Owner (H, W, or JT)	Current Possession H/W	Proposed Distribution H/W	DOS Net FMV (FMV Less Debt of Liens)	Net FMV at Present (FMV Less Debt or Liens)

SCHEDULE I: MARITAL ASSETS
M. Cash Value of Life Insurance Contentions

Description of Assets	The Affiant makes the following contentions relating to the assets listed above:

SCHEDULE I: MARITAL ASSETS
N. Vested Pension & Retirement Accounts

Description of Asset, Policy Number or Account Number	Date Acquired & Title Owner (H, W, or JT)	Current Possession H/W	Proposed Distribution H/W	DOS Net FMV (FMV Less Debt of Liens)	Net FMV at Present (FMV Less Debt or Liens)

SCHEDULE I: MARITAL ASSETS
N.1. Vested Pension & Retirement Accounts Contentions

Description of Assets	The Affiant makes the following contentions relating to the assets listed above:

SCHEDULE II: MARITAL DEBTS

Name & Address of Creditor, Account Number	Debt is in name of H/W/JT	Reason Debt Incurred and Month and year Debt incurred	Amount owed on DOS	Amount currently owed	Who has paid the debt since DOS and amount that has been paid

SCHEDULE II: MARITAL DEBTS CONTENTIONS

Description of Debts	The Affiant Makes the Following Contentions Relating to the Debts Listed on the Preceding Page

SCHEDULE III: SEPARATE ASSETS

Description of Asset & Lien holder	Date Acquired & Reason Separate	Purchase Price	DOS Net FMV (FMV Less Debt of Liens)	Net FMV at Present (FMV Less Debt or Liens)

SCHEDULE III: SEPARATE ASSETS CONTENTIONS

Description of Assets	The Affiant makes the following contentions relating to the assets listed above:

SCHEDULE IV: SEPARATE DEBTS

#	Name & Address of Creditor, Account Number	Name(s) of person who is listed on the debt (H/W/JT)	Basis for Separate Classification	Pre-marital Balance (if any)	DOS Balance	Current Balance

SCHEDULE V: DIVISIBLE PROPERTY
(Passive Increases And Decreases To Value Of Marital Property After DOS)

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

#	Item of Property	Reason for Passive Increase or Decrease	Amount of Increase or (Decrease) since DOS	Net Value of Item Now

**SCHEDULE VI:
COMMISSIONS, BONUSES, PROPERTY, ETC., RECEIVED AFTER
DOS BUT EARNED PRIOR TO DOS**

#	Description of Item and where it is currently located	Received by H/W or Joint	Date Received	Amount Received

**SCHEDULE VII:
“PASSIVE” INCOME RECEIVED AFTER DOS FROM MARITAL PROPERTY
(e.g., interest and dividends, etc.)**

#	Description of Item	Received by H / W or Joint	Date Received	Amount Received

**SCHEDULE VIII:
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.

#	Description of Debt	DOS Balance	Current Balance	Reason for increase and total amount of financing charges

**SCHEDULE IX:
POST DOS 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 (H, W 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 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 affidavit.

#	Description of Item	Reason for Disposal of Marital Property and Who Disposed of Property	Money or Other Consideration Received	Use of Proceeds

**SCHEDULE X:
POST DOS 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.

#	Marital Debt as Identified Prior	Dollar amount of payments you made since DOS	Source of Funds for Payments Made by You	Balance Owed Now

**SCHEDULE XI:
CONTRIBUTIONS TO SEPARATE PROPERTY OF OTHER SPOUSE**

If there was an increase in value during the course of your marriage to an item claimed by the other party as 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

**SCHEDULE XII:
PROPERTY ACQUIRED AFTER DATE OF 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

#	Asset and Lien holder and related Account number	Possession H/W/Joint	Purchase Price and source of funds used to purchase the property	Net FMV at Present (FMV Less Debt or Liens)

**SCHEDULE XIII:
CONTENTIONS FOR PROPERTY ACQUIRED AFTER DATE OF SEPARATION**

#	Description of Assets	The Affiant makes the following contentions relating to the assets listed above:

**SCHEDULE XIII:
CONTENTIONS FOR AN UNEQUAL DISTRIBUTION OF MARITAL PROPERTY**

List below factors for the Court to consider in determining whether an equal division of marital property is not equitable. Only complete this schedule if you are seeking an unequal division of marital property. You need to provide a detailed explanation as to each specific factor listed in the order in which they are listed.

FACTORS	DETAILED EXPLANATION
1. The income, property, and liabilities of each party at the time the division of property is to become effective.	
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 and to use or on its household effects.	
5. The expectation of pension, retirement, or other deferred compensation rights that are not marital property.	
6. 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.	
7. Any direct or indirect contribution made by one spouse to help educate or develop the career of the other spouse.	
8. Any direct contribution to an increase in the value of separate property which occurs during the course of the marriage.	
9. The liquid or nonliquid character of all marital property and divisible property.	

10. 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.	
11. The tax consequences to each party.	
11.a. 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.	
12. Any other factor which the court finds to be just and proper.	

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 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 ____.

Signature of Plaintiff or Defendant or his/her respective attorney