

Equitable Distribution:
Managing Complex Cases from Start to Finish

Retired Judge Sue Burch

Judge Jena Culler

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§ 50-21. Procedures in actions for equitable distribution of property; sanctions for purposeful and prejudicial delay.

(a) At any time after a husband and wife begin to live separate and apart from each other, a claim for equitable distribution may be filed and adjudicated, either as a separate civil action, or together with any other action brought pursuant to Chapter 50 of the General Statutes, or as a motion in the cause as provided by G.S. 50-11(e) or (f). Within 90 days after service of a claim for equitable distribution, the party who first asserts the claim shall prepare and serve upon the opposing party an equitable distribution inventory affidavit listing all property claimed by the party to be marital property and all property claimed by the party to be separate property, and the estimated date-of-separation fair market value of each item of marital and separate property. Within 30 days after service of the inventory affidavit, the party upon whom service is made shall prepare and serve an inventory affidavit upon the other party. The inventory affidavits prepared and served pursuant to this subsection shall be subject to amendment and shall not be binding at trial as to completeness or value. The court may extend the time limits in this subsection for good cause shown. The affidavits are subject to the requirements of G.S. 1A-1, Rule 11, and are deemed to be in the nature of answers to interrogatories propounded to the parties. Any party failing to supply the information required by this subsection in the affidavit is subject to G.S. 1A-1, Rules 26, 33, and 37. During the pendency of the action for equitable distribution, discovery may proceed, and the court shall enter temporary orders as appropriate and necessary for the purpose of preventing the disappearance, waste, or destruction of marital or separate property or to secure the possession thereof.

Real or personal property located outside of North Carolina is subject to equitable distribution in accordance with the provisions of G.S. 50-20, and the court may include in its order appropriate provisions to ensure compliance with the order of equitable distribution.

(b) For purposes of equitable distribution, marital property shall be valued as of the date of the separation of the parties, and evidence of preseparation and postseparation occurrences or values is competent as corroborative evidence of the value of marital property as of the date of the separation of the parties. Divisible property and divisible debt shall be valued as of the date of distribution.

(c) Nothing in G.S. 50-20 or this section shall restrict or extend the right to trial by jury as provided by the Constitution of North Carolina.

(d) Within 120 days after the filing of the initial pleading or motion in the cause for equitable distribution, the party first serving the pleading or application shall apply to the court to conduct a scheduling and discovery conference. If that party fails to make application, then the other party may do so. At the conference the court shall determine a schedule of discovery as well as consider and rule upon any motions for appointment of expert witnesses, or other applications, including applications to determine the date of separation, and shall set a date for the disclosure of expert witnesses and a date on or before which an initial pretrial conference shall be held.

At the initial pretrial conference the court shall make inquiry as to the status of the case and shall enter a date for the completion of discovery, the completion of a mediated settlement conference, if applicable, and the filing and service of motions, and shall determine a date on or after which a final pretrial conference shall be held and a date on or after which the case shall proceed to trial.

The final pretrial conference shall be conducted pursuant to the Rules of Civil Procedure and the General Rules of Practice in the applicable district or superior court, adopted pursuant to G.S. 7A-34. The court shall rule upon any matters reasonably necessary to effect a fair and prompt disposition of the case in the interests of justice.

(e) Upon motion of either party or upon the court's own initiative, the court shall impose an appropriate sanction on a party when the court finds that:

- (1) The party has willfully obstructed or unreasonably delayed, or has attempted to obstruct or unreasonably delay, discovery proceedings, including failure to make discovery pursuant to G.S. 1A-1, Rule 37, or has willfully obstructed or unreasonably delayed or attempted to obstruct or unreasonably delay any pending equitable distribution proceeding, and
- (2) The willful obstruction or unreasonable delay of the proceedings is or would be prejudicial to the interests of the opposing party.

Delay consented to by the parties is not grounds for sanctions. The sanction may include an order to pay the other party the amount of the reasonable expenses and damages incurred because of the willful obstruction or unreasonable delay, including a reasonable attorneys' fee, and including appointment by the court, at the offending party's expense, of an accountant, appraiser, or other expert whose services the court finds are necessary to secure in order for the discovery or other equitable distribution proceeding to be timely conducted. (1981, c. 815, s. 6; 1983, c. 671, s. 1; 1985, c. 689, s. 21; 1987, c. 844, s. 1; 1991, c. 610, s. 2; 1991 (Reg. Sess., 1992), c. 910, s. 1; 1993, c. 209, s. 1; 1995, c. 244, s. 1; c. 245, s. 1; 1997-302, s. 2; 2001-364, s. 1.)

Guilford County Selected Rules and Forms

RULE 14
ENTRY OF ORDER OR JUDGMENT

- 14.01 **Preparation of Order.** Following a hearing or trial, the presiding judge shall direct an attorney to draft a proposed Order or Judgment. The drafting attorney shall draft the document and seek approval from opposing counsel or party within ten (10) business days, or within such time as the judge directs. The opposing counsel or party shall have ten (10) business days, or within such time as the judge directs, thereafter within which to object, propose changes or additions, or submit an alternate order to the drafting attorney. If the parties or attorneys are unable to agree on the terms of a proposed order, the drafting attorney shall submit the proposed Order or Judgment to the presiding judge with a cover letter succinctly explaining the lack of approval and the reasons therefore. A copy of the proposed order submitted and cover letter must be furnished to opposing counsel. Within a reasonable time thereafter the presiding judge may (a) sign the submitted proposed order, (b) ask for a conference to settle the terms of the proposed order, or (c) direct the attorneys to modify the document submitted and notify the other attorney accordingly.
- 14.02 **Required Preamble.** All proposed Orders and Judgments shall in their preamble make reference to the session of court and the date of hearing in a form substantially as follows:
- THIS MATTER** came on for hearing and being heard before the Honorable {Judge's name}, District Court Judge for the Eighteenth Judicial District, Guilford County during the {date i.e. October 1, 2012} civil {jury or non-jury} session of Court and was heard on {dates i.e. October 10, 11, & 12, 2012}, upon {Plaintiff's or Defendant's} {motion or other pleading} for {issue}.
- 14.03 **Statement of Representation.** All proposed Orders and Judgments submitted shall in their preamble make reference to any attorney at law who appeared as counsel in the matter in a form substantially similar as follows:
- IT APPEARING TO THE COURT** that the plaintiff was represented by Attorney {name} and defendant was not represented by counsel.
- 14.04 No attorney may be relieved as Counsel of Record, nor abandon the duty of Counsel of Record to prepare an Order in accordance herewith, until the Court has entered the appropriate Order or Judgment.

NORTH CAROLINA
GUILFORD COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
File No. _____

Plaintiff
v.

Defendant

STANDING ORDER
(EQUITABLE DISTRIBUTION)

TAKE NOTICE THAT in accordance with the Case Management Rules for the District Court of the Eighteenth Judicial District, the parties shall operate within the following time restrictions unless the Court waives compliance with any or all provisions of this Standing Order.

IT IS THEREFORE ORDERED AS FOLLOWS:

1. **30 days after service of this Standing Order**, the moving party must serve on the responding party an Equitable Distribution Inventory Affidavit (hereinafter "EDIA") (see Form CMR-230) and Initial Disclosures pursuant to Case Management Rule 25.06.
2. **30 days after service of the first EDIA**, the responding party must serve their EDIA and Initial Disclosures pursuant to Case Management Rule 25.06.
3. **Within 90 days after the filing of the first claim for equitable distribution**, the parties shall agree upon and select a mediator and a Consent Stipulation (Form CMR-240) regarding selection of mediator shall be filed with the Equitable Distribution Judicial Assistant (hereinafter, "EDJA") and the Clerk. If a Consent Stipulation is not filed, then the EDJA shall place the matter on the next available district court session.
4. **No later than 210 days after the filing of the first claim for equitable distribution**, the moving party, responding party, and the mediator must hold a court ordered mediated settlement conference, after which the mediator must produce a certification that an impasse was declared or a settlement was reached.
5. **No later than 210 days after the filing of the first claim for equitable distribution**, the assigned judge will hold an Initial Pretrial Conference. Each party should be present in Court or available by telephone with his or her attorney at the time of this conference. At the conference, the assigned judge will:
 - (a) Review the status of the case.
 - (b) Enter a date for completion of discovery, if not previously completed.
 - (c) Enter a date for the filing and service of motions, and determine a date on which the Final Pretrial Conference shall be held.
 - (d) Determine a trial date.
 - (e) Set the dates for service and completion of a Final Pretrial Order.
6. **No later than 240 days after the first equitable distribution claim is filed**, the assigned judge must hold a Final Pretrial Conference.
7. **No later than 270 days after the first equitable distribution claim is filed**, the assigned judge must hold a trial.
8. Either party may file a Calendar Request and Notice of Hearing (Form CMR-200) for a pre-trial conference at any time during the course of this action if they feel one is necessary considering the circumstances of the case.

SO ORDERED, this the _____ day of _____, 20_____.

DISTRICT COURT JUDGE PRESIDING

STATE OF NORTH CAROLINA

In The General Court of Justice

District Court Division

GUILFORD COUNTY

File Number: _____

Plaintiff	v.
Defendant	

EQUITABLE DISTRIBUTION INVENTORY AFFIDAVIT OF	
<input type="checkbox"/>	Plaintiff
<input type="checkbox"/>	Defendant

Purpose:

The Plaintiff and Defendant were married and accumulated some property. Now, someone has asked the Judge to fairly, or equitably, divide this property. The purpose of this Equitable Distribution Inventory Affidavit is to give the Judge the information needed to equitably divide the property. The Judge will need to know this information because at the trial the Judge must determine the Fair Market Value (FMV) of each item of property and whether each item of property is Marital or Separate. The Judge must then decide who gets each item of property. Therefore, you must carefully list each item of property (or debt owed) which either of you owned or had any interest in as of the day of separation, no matter in whose name the property was titled, and no matter who has current possession of the property. List everything, and if you believe that the property is not Marital, list that item as "Separate."

This Affidavit is not binding on the Affiant as to completeness of unknown marital property, values or distribution.

DEFINITIONS: As used in these schedules, the following abbreviations have the following meanings:

- (1) **DOM** means the "Date of Marriage of the parties." The Date of Marriage is _____.
- (2) **DOS** means the "Date of Separation" of the parties, which is the last date you stopped living together in the same residence with the intent of at least one of the parties that the Separation would be permanent. The Date of Separation is _____.
- (3) **FMV** means "Fair Market Value."
- (4) **LIEN** means a "Lien on a property." Whether created by a mortgage, deed of trust, security agreement or otherwise.
- (5) **PROPERTY** means anything that you can own (not just land and house, but also bank accounts and retirement accounts)
- (6) **SEPARATE PROPERTY** means property that either of you received either before the marriage or after the DOS, or that either of you received during the marriage by gift (from someone other than your spouse) or inheritance.
- (7) **MARITAL PROPERTY** means property that is not Separate Property, no matter whose name it is in, that either of you received between the DOM and the DOS.
- (8) **MIXED PROPERTY** means property that is part-marital, part-separate (e.g. car that was purchased prior to DOM, but paid for during marriage).

SCHEDULE A

FINANCIAL ACCOUNTS AND LIFE INSURANCE POLICIES

(Checking, Savings, CD's, Money Market, Credit Union Accounts, Stocks, Stock Options, Bonds, Mutual Funds, Securities, Traveler's Checks, Cash on hand, etc.)
For Life Insurance Policies: Use Cash Values of your Life Insurance policies for FMV. Include Policy Number, Face Value and Life Insurance Company, Term or Whole Life
 Include a description of the property sufficient that the Court can identify it. - Attach statements as of DoS & at present, if available.

Item	Property	Classification			Possession			Value		Distribution			
		Husband Contentends Marital or Separate (M or S)	Wife Contentends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contentends who has it? (H or W)	Wife Contentends who has it? (H or W)	Agreed on or Court Finding who has it? (H or W)	Husband Contentends the DOS FMV	Wife Contentends the DOS FMV	Husband Contentends who gets it? (H or W)	Wife Contentends who gets it? (H or W)	Agreed on or Court Finding: FMV Distributed to Husband	Agreed on or Court Finding: FMV Distributed to Wife
A1													
A2													
A3													
A4													
A5													
A6													
A7													
A8													
A9													
A10													
A11													
A12													
A13													
A14													
A15													
A16													
A17													
A18													
A19													
A20													
A21													
Subtotal													

SCHEDULE B

REAL PROPERTY

(Land (that you own), Houses (that you own), Rental Property (that you own), Fixtures, Trailers (that you own), Mobile Homes (that you own), Investment Property (that you own))
 Include a description of the property sufficient that the Court can identify it. Attach copies of deeds, UCC statements, appraisals.

Item	Classification			Possession		Value		Distribution			
	Husband Contentends Marital or Separate (M or S)	Wife Contentends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contentends who has it? (H or W)	Wife Contentends who has it? (H or W)	Husband Contentends the DOS FMV	Wife Contentends the DOS FMV	Husband Contentends who gets it? (H or W)	Wife Contentends who gets it? (H or W)	Agreed on or Court Finding: FMV Distributed to Husband	Agreed on or Court Finding: FMV Distributed to Wife
B1											
B2											
B3											
B4											
B5											

SCHEDULE B-i

DEBTS RELATED TO REAL PROPERTY

(List your debts that are secured by a lien on real property. Include the name, address, telephone number, and the account number of the creditor. For each creditor, identify (in the same manner you did in the "property schedules") the real property securing the debt.)
 Attach a copy of the documentation you used to determine the amount of the debt. Attach copies of statements of the debts as of DoS and present, if available.

Item	Classification			Possession		Value		Distribution			
	Husband Contentends Marital or Separate (M or S)	Wife Contentends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contentends who has been paying? (H or W)	Wife Contentends who has been paying? (H or W)	Husband Contentends the DOS FMV	Wife Contentends the DOS FMV	Husband Contentends who gets it? (H or W)	Wife Contentends who gets it? (H or W)	Agreed on or Court Finding: FMV Distributed to Husband	Agreed on or Court Finding: FMV Distributed to Wife
B-i1											
B-i2											
B-i3											
B-i4											
B-i5											

Subtotal Schedule B	
Subtotal Schedule B-i	
Subtotal (Sch. B less Sch. B-i)	

SCHEDULE C **BUSINESS OR PROFESSIONAL INTERESTS**

(S-Corps, C-Corps, LLC, LLP, Sch. C, 1040, Partnerships, Sole Proprietorship)
 Include Name of Business or Professional Interest and the Nature of your Ownership Interest/Percentage of Ownership
 Include a description of the property sufficient that the Court can identify it. Attach Schedule C or K-1's, operating and buy/sell agreements, appraisals, offers to purchase, if available.

Item	Property (Name of Business)	Classification			Possession			Value			Distribution		
		Husband Contents Marital or Separate (M or S)	Wife Contents Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contents who has it? (H or W)	Wife Contents who has it? (H or W)	Agreed on or Court Finding who has it? (H or W)	Husband Contents the DOS FMV	Wife Contents the DOS FMV	Husband Contents who gets it? (H or W)	Wife Contents who gets it? (H or W)	Agreed on or Court Finding: FMV Distributed to Husband	Agreed on or Court Finding: FMV Distributed to Wife
C1													
C2													
C3													
C4													
C5													
C6													

SCHEDULE D **RETIREMENT**

(Pensions, 401(k), 403(b) and similar plans, Profit Sharing Plans, IRAs, SEP, Roth, Non-Qualified Plans, KEOGHs, Annuities, etc)
 For each account state the following: The Name of the Plan, Date Employment Began, Date Participation Began, Date Participation Ended, Participant's Date of Birth
 Include a description of the property sufficient that the Court can identify it. Attach copies of statements from DoM, DoS and present, if available.

Item	Retirement Accounts	Classification			Possession			Value			Distribution		
		Husband Contents Marital or Separate (M or S)	Wife Contents Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contents who has it? (H or W)	Wife Contents who has it? (H or W)	Agreed on or Court Finding who has it? (H or W)	Husband Contents the DOS FMV	Wife Contents the DOS FMV	Husband Contents who gets it? (H or W)	Wife Contents who gets it? (H or W)	Agreed on or Court Finding: FMV Distributed to Husband	Agreed on or Court Finding: FMV Distributed to Wife
D1													
D2													
D3													
D4													
D5													
D6													

Subtotal Sch C					
Subtotal Sch D					
Subtotal (Sch. C & Sch. D)					

SCHEDULE E

MOTOR VEHICLES

(Cars, Motorcycles, Trucks, Boats, Jet Skis, Airplanes, RVs, 4-wheelers (that you own)); DO NOT LIST LEASED VEHICLES
 Include Year/Make/Model - Include a description of the property sufficient that the Court can identify it. - Attach a copy of the title if paid for.

Item	Classification			Possession			Value			Distribution		
	Husband Content Marital or Separate (M or S)	Wife Content Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Content who has it? (H or W)	Wife Content who has it? (H or W)	Agreed on or Court Finding who has it? (H or W)	Husband Content the DOS FMV	Wife Content the DOS FMV	Husband Content who gets it? (H or W)	Wife Content who gets it? (H or W)	Agreed on or Court Finding: FMV Distributed to Husband	Agreed on or Court Finding: FMV Distributed to Wife
E1												
E2												
E3												
E4												
E5												

SCHEDULE E-i

LIENS ON MOTOR VEHICLES

List your debts that are secured by a lien on your motor vehicles. Include the name, address, telephone number, and the account number of the creditor.
 For each creditor, identify (in the same manner you did in the "property schedules") the vehicle securing the debt.

Attach a copy of the documentation you used to determine the amount of the debt. - Attach copies of all statements as of DoS and present, if available.

Item	Classification			Possession			Value			Distribution		
	Husband Content Marital or Separate (M or S)	Wife Content Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Content who has been paying? (H or W)	Wife Content who has been paying? (H or W)	Agreed on or Court Finding who has been paying? (H or W)	Husband Content the DOS FMV	Wife Content the DOS FMV	Husband Content who gets it? (H or W)	Wife Content who gets it? (H or W)	Agreed on or Court Finding: FMV Distributed to Husband	Agreed on or Court Finding: FMV Distributed to Wife
E-i1												
E-i2												
E-i3												
E-i4												
E-i5												

Subtotal Sch E	
Subtotal Sch E-i	
Subtotal (Sch. E less Sch. E-i)	

SCHEDULE F

**HOUSEHOLD FURNISHINGS, COLLECTIBLES,
& MISCELLANEOUS PERSONAL PROPERTY**

Fair Market Value is what a willing buyer would pay a willing seller and NOT replacement value.

(Furniture, Antiques, Pictures, Wall Hangings, Appliances, Electronics, Linens, Books, Outdoor Furniture, Sporting Goods, Collectibles, Collections (coin, stamp, etc.), Silver, China, Crystal, Tools, Guns, Lawn Equipment, Jewelry, Animals, Etc.)

Include a description of the property sufficient that the Court can identify it. - Attach any appraisals. - Attach separate sheets as needed.

Item	Description of Personal Property	Classification			Possession			Value			Distribution		
		Husband Content Marital or Separate (M or S)	Wife Content Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Content who has it? (H or W)	Wife Content who has it? (H or W)	Agreed on or Court Finding who has it? (H or W)	Husband Content the DOS FMV	Wife Content the DOS FMV	Husband Content who gets it? (H or W)	Wife Content who gets it? (H or W)	Agreed on or Court Finding: FMV Distributed to Husband	Agreed on or Court Finding: FMV Distributed to Wife
F1													
F2													
F3													
F4													
F5													
F6													
F7													
F8													
F9													
F10													
F11													
F12													
F13													
F14													
F15													
F16													
F17													
F18													
F19													
F20													
Subtotal													

SCHEDULE G

MISCELLANEOUS ASSETS

(Cash on Hand, Federal Tax Refund, State Tax Refund, Interest in Trust, Accounts Receivable, Money Owed to Marriage, PSLs, Frequent Flyer Miles, Security Deposits, Intellectual Property Rights (Patent, Copyright, Trademark/Trade Name), Commissions, Royalties, Bonuses, Hotel/Loyalty Rewards Points)
 Include a description of the property sufficient that the Court can identify it. - Attach statement, 1099s, appraisals, if available.

Item	Property	Classification			Possession			Value		Distribution			
		Husband Contentends Marital or Separate (M or S)	Wife Contentends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contentends who has it? (H or W)	Wife Contentends who has it? (H or W)	Agreed on or Court Finding who has it? (H or W)	Husband Contentends the DOS FMV	Wife Contentends the DOS FMV	Husband Contentends who gets it? (H or W)	Wife Contentends who gets it? (H or W)	Agreed on or Court Finding: FMV Distributed to Wife	Agreed on or Court Finding: FMV Distributed to Husband
G1													
G2													
G3													
G4													
G5													
G6													
G7													
G8													
G9													
G10													
G11													
G12													
G13													
G14													
G15													
G16													
G17													
G18													
G19													
G20													

Subtotal

SCHEDULE H

DEBTS NOT PREVIOUSLY LISTED

List any remaining debts that were owed on the DoS **NOT PREVIOUSLY LISTED**, including but not limited to **Credit Cards, Promissory Notes, Federal or State Tax Liabilities**

Include the name, address, telephone number, and the account number of the creditor.

For each creditor, identify (in the same manner you did in the "property schedules") the property securing the debt.

Attach a copy of the documentation you used to determine the amount of the debt.

Item	Debt	Classification			Possession			Value			Distribution			
		Husband Contentends Marital or Separate (M or S)	Wife Contentends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contentends who has been paying? (H or W)	Wife Contentends who has been paying? (H or W)	Agreed on or Court Finding who has been paying? (H or W)	Husband Contentends the DOS FMV	Wife Contentends the DOS FMV	Husband Contentends who gets it? (H or W)	Wife Contentends who gets it? (H or W)	Agreed on or Court Finding: FMV Distributed to Husband	Agreed on or Court Finding: FMV Distributed to Wife	
H1														
H2														
H3														
H4														
H5														
H6														
H7														
H8														
H9														
H10														
H11														
H12														
H13														
H14														
H15														
H16														
H17														
H18														
H19														
Subtotal														

SCHEDULE J	DIVISIBLE PROPERTY
<i>Itemize on a separate sheet as needed</i>	
Factors	
<p>1. Appreciation and diminution in value of marital property and divisible property of the parties occurring after the date of separation and prior to the date of distribution. Do NOT include the appreciation or diminution in value, which is the result of post-separation actions or activities of spouse.</p> <p>Husband's Contentions:</p> <p>Wife's Contentions:</p>	
<p>2. Property, property rights, or any portion thereof received after the date of separation but before the date of distribution that was acquired as a result of the efforts of either spouse during the marriage and before the date of separation, including, but not limited to, commissions, bonuses, and contractual rights.</p> <p>Husband's Contentions:</p> <p>Wife's Contentions:</p>	
<p>3. Passive income from marital property received after the date of separation, including, but not limited to, interest and dividends.</p> <p>Husband's Contentions:</p> <p>Wife's Contentions:</p>	
<p>4. Increases in marital debt and financing charges and interest related to marital debt.</p> <p>Husband's Contentions:</p> <p>Wife's Contentions:</p>	

SCHEDULE K

FACTORS JUSTIFYING AN UNEQUAL DISTRIBUTION

N.C. Gen. Stat. § 50-20(c)

Itemize on a separate sheet as needed

Factors

1. The income, property, and liabilities of each party at the time the division of property is to become effective.

Husband's Contentions:
Wife's Contentions:

2. An obligation for support arising out of a prior marriage.

Husband's Contentions:
Wife's Contentions:

3. The duration of the marriage and the age and physical and mental health of both parties.

Husband's Contentions:
Wife's Contentions:

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 sell or own its household effects.

Husband's Contentions:
Wife's Contentions:

5. The expectation of pension, retirement or other deferred compensation rights, which are not marital property.

Husband's Contentions:
Wife's Contentions:

6. An 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.

Husband's Contentions:
Wife's Contentions:

7. Any direct or indirect contribution made by one spouse to help educate or develop the career potential of the other spouse.

Husband's Contentions:
Wife's Contentions:

8. Any direct contributions to an increase in value of separate property which occurs during the course of the marriage.

Husband's Contentions:
Wife's Contentions:

9. The liquid or non-liquid character of all marital property and divisible property.

Husband's Contentions:
Wife's Contentions:

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.

Husband's Contentions:
Wife's Contentions:

11. The tax consequences to each party.

Husband's Contentions:
Wife's Contentions:

<p>12. Acts of either party to maintain, preserve, develop, or expand; or to waste neglect, devalue or convert the marital or divisible property, or both, during the period after separation of the parties and before the time of distribution.</p> <p>Husband's Contentions:</p> <p>Wife's Contentions:</p>
<p>13. Payments on marital debt since separation.</p> <p>Husband's Contentions:</p> <p>Wife's Contentions:</p>
<p>14. Repairs or improvements to marital assets since separation.</p> <p>Husband's Contentions:</p> <p>Wife's Contentions:</p>
<p>15. Separate property was used for the purchase price of a marital asset.</p> <p>Husband's Contentions:</p> <p>Wife's Contentions:</p>
<p>16. Party's family paid the purchase price of a marital asset.</p> <p>Husband's Contentions:</p> <p>Wife's Contentions:</p>
<p>17. Any other factor which the Court finds just and proper.</p> <p>Husband's Contentions:</p> <p>Wife's Contentions:</p>

STATE OF NORTH CAROLINA

GUILFORD COUNTY

In The General Court of Justice

District Court Division

File Number: _____

Plaintiff _____

v.

Defendant _____

**EQUITABLE DISTRIBUTION
INVENTORY AFFIDAVIT OF**

Plaintiff
 Defendant

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

1. I am submitting this Equitable Distribution Inventory Affidavit in accordance with Rule ____ of the Case Management Rules for the District Court Division of the 18th Judicial District and N.C. Gen. Stat. § 50-21.
2. The information contained in this affidavit is true, accurate, and complete to the best of my ability.
3. I have made a full and complete disclosure of all marital, divisible and separate property/debts known to me. I have provided my best estimate as to the date of separation value and present value of all assets and debts.
4. I certify that I am serving contemporaneously with this Equitable Distribution Inventory Affidavit the "Mandatory Documents" required under Rule ____ of the Case Management Rules of the District Court Division of the 18th Judicial District.
5. I hereby certify that all disclosures required by any schedule on which I have listed property or debt have been served with this affidavit on the opposing party or his/her counsel;

This the _____ day of _____, 201_____.

Affiant

Plaintiff
 Defendant

STATE OF NORTH CAROLINA, COUNTY OF GUILFORD

I, the undersigned Notary Public for said county and state, do hereby certify that the following person personally appeared before me and () I have personal knowledge of the identify of said person or () I have seen satisfactory evidence of said person's identify by a current state or federal identification with said person's photograph, and having being sworn or affirmed, said person acknowledged to me that he/she voluntarily signed the foregoing document for the purposes stated therein.

Person: _____

Date: _____

(signature)

Notary Public's
Name Printed: _____

My Commission Expires: _____

SUMMARY

Marital Property

Schedule	
A	Financial Accounts and Life Insurance
B/B-i	Real Property less Secured Debt
C	Business or Professional Interests
D	Retirement
E/E-i	Motor Vehicles less Secured Debt
F	Household Furnishings/Collectibles
G	Miscellaneous Assets
H	Debts Not Previously Listed

DOS FMV to Husband

DOS FMV to Wife

Totals

Divisible Property - Total FMV

Distributive Award

Cross Check

Separate Property - Total FMV

NORTH CAROLINA
GUILFORD COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
File No. _____

Plaintiff
v.

Defendant

**FINAL PRE-TRIAL ORDER
(EQUITABLE DISTRIBUTION)**

THIS MATTER having been duly calendared for Pretrial Conference pursuant to the Case Management Rules of the 18th Judicial District on this date, and having discussed with the parties, or their counsel (or those who were present at the scheduled conference), the status of the case and the remaining steps necessary to bring this matter to a conclusion, the Court makes the following

THIS MATTER was heard by the undersigned Presiding Judge during a Final Pre-Trial Conference upon pleadings seeking a determination of marital or divisible property and an equitable distribution of such property and debts as shall be determined to be marital or divisible;

IT APPEARING TO THE COURT that the parties have reached agreement on certain facts and on certain issues and have delineated the areas of agreement and disagreement; the parties, by their signatures affixed hereto, stipulate agreement with the facts and issues represented herein as agreed upon; the parties further stipulate that the facts and issues represented herein as being in dispute are accurately reflected and are the only issues to be determined by the Court; the parties warrant and avow that they have disclosed the existence of all separate, marital and divisible property, to which he or she may have claim at the date of valuation of marital property (regardless of to whom such property may be titled or in whom actual ownership may be designated) and said disclosure has been full and honest and is free from taint of fraud.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED and stipulated as follows:

1. The Court has jurisdiction over the parties and subject matter of this action.
2. Plaintiff and Defendant were married on _____, _____.
3. Plaintiff and Defendant separated on _____, _____.
4. The date of valuation is _____, _____.
5. An equal division is an equitable division. An unequal division is an equitable division.
6. Schedules attached hereto list all of the property owned by the parties at the date of separation.
7. Schedule 1 is a list of all documents, reports and other exhibits may be admitted without authentication:
8. Schedule 2 is a list of all other documents Plaintiff intends to introduce at trial. A copy has been provided to opposing counsel (or party, if unrepresented).
9. Schedule 3 is a list of all other documents Defendant intends to introduce at trial. A copy has been provided to opposing counsel (or party, if unrepresented).
10. The parties shall submit affidavits or signed reports of expert witnesses to be called at trial to opposing counsel (or party, if unrepresented) no later than one week prior to the start of the session wherein the case is scheduled for hearing (except upon "good cause shown..." Seven (7) days from receipt thereof, counsel for each party shall advise the other of any stipulations that can be entered with regard to the contents of the affidavit or reports (to avoid having the witness present at trial).

11. Schedule 4 is a list of the names and addresses of all known witnesses the Plaintiff may offer at the trial.
12. Schedule 5 is a list of the names and addresses of all known witnesses the Defendant may offer at the trial.
13. This matter is set for trial during the session of _____.
14. The estimated length of trial time is _____.
15. No later than 24 hours before trial, counsel for the parties shall label, number and list all trial exhibits, and shall exchange exhibit lists, and supplement copies of exhibits and witness lists. A copy of each list shall be provided to the Judge when the case is called for trial.

This the _____ day of _____, 20____.

DISTRICT COURT JUDGE PRESIDING

CONSENTED TO:

Plaintiff

Plaintiff's Attorney

Defendant

Defendant's Attorney

NORTH CAROLINA
GUILFORD COUNTY

VERIFICATION

_____, being first duly sworn, deposes and says that he is the Plaintiff Defendant in the foregoing action, that he has read the foregoing FINAL PRE-TRIAL ORDER (EQUITABLE DISTRIBUTION) and knows the contents thereof to be true of his own personal knowledge except for those matters and things alleged therein upon information and belief, and as to those matters and things, he believes same to be true.

(Signature of Husband)

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

NOTARY PUBLIC
My commission expires: _____

Assistant/Deputy Clerk of Court



NORTH CAROLINA
GUILFORD COUNTY

VERIFICATION

_____, being first duly sworn, deposes and says that she is the Plaintiff Defendant in the foregoing action, that she has read the foregoing FINAL PRE-TRIAL ORDER (EQUITABLE DISTRIBUTION) and knows the contents thereof to be true of her own personal knowledge except for those matters and things alleged therein upon information and belief, and as to those matters and things, she believes same to be true.

(Signature of Wife)

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

NOTARY PUBLIC
My commission expires: _____

Assistant/Deputy Clerk of Court

Mecklenburg County Selected Forms

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

COUNTY OF _____

____-CVD-_____

Plaintiff,

vs.

Defendant.

**INITIAL PRETRIAL CONFERENCE, SCHEDULING, AND
DISCOVERY ORDER
IN EQUITABLE DISTRIBUTION MATTER**

THIS CAUSE comes on to be heard on _____, 20____, by the undersigned District Court Judge after proper service and notice. It is set for an Initial Equitable Distribution Pretrial Conference (IPTC). Present in Court were:

- Plaintiff appearing pro se represented by counsel, _____.
- Defendant appearing pro se represented by counsel, _____.

IT IS HEREBY ORDERED AS FOLLOWS:

1. Date of marriage and date of separation.

- The parties date of marriage is _____ and their date of separation is _____.
- There is a dispute about the date of marriage date of separation. A hearing to resolve this issue is set for _____, 20____ at _____ in courtroom _____.
- Other: _____.

2. Service of Equitable Distribution (ED) Affidavits.

- Plaintiff Defendant has/have filed and served his/her Affidavit prior to this conference pursuant to local rules.
- _____'s Equitable Distribution Affidavit(s) has/have not been filed and served in a timely manner. Any party who has not yet filed and served an Equitable Distribution Affidavit shall do so no later than _____. Failure to do so may result in sanctions.

3. Amendments to Equitable Distribution Affidavits. The parties may file and serve amendments to their ED Affidavits, which amendments shall be filed and served on the opposing party by ten (10) calendar days prior to the date the case is scheduled for trial. The parties shall update their affidavits as they acquire additional pertinent information. The Final Pretrial order shall be deemed to constitute an amendment of each party's ED Affidavit.

4. Discovery Issues. The following discovery issues have been identified:

- a. _____
- b. _____

5. Discovery Schedule. Discovery shall be completed ten (10) calendar days prior to the date the case is scheduled for trial.

6. Agreed Upon Experts. The parties have agreed to _____ as a court appointed expert to value _____ . The following rules shall apply:

- a. The parties will cooperate in furnishing information and making premises available to the expert.
- b. The expert will furnish a report simultaneously to plaintiff and defendant.
- c. The expert shall value the property as of the date of separation and as of the present time.
- d. The expert's report may be received into evidence without further authentication and without the expert being present in Court.
- e. Neither party is bound by the expert's report. Either party may contradict or impeach the expert's report and may cross examine the expert about the report. The party wishing to cross examine the expert about the report shall be responsible for issuing a subpoena for his/her appearance at trial and arranging for his/her appearance.
- f. With respect to the cost of the expert, the following shall apply: _____

7. Exchange of Other Expert Reports. Either party may wish to offer testimony of expert witnesses at trial with regard to various matters at issue including valuation of assets. A written report of any such expert shall be exchanged by the Status Conference, and each party shall be permitted to depose the other party's expert witness(es). Written reports shall comply with the requirements of Rule 26(b)(4)a.2 of the NC Rules of Civil Procedure.

8. Court Appointed Experts Pursuant to Rule 706. Motions pursuant to Rule 706 and Orders to Show Cause shall be filed and served within 30 days. The hearing for the Motion shall be scheduled with Family Court at the time it is filed.

9. Alternative Dispute Resolution. The following alternative dispute resolution procedure shall be utilized by the parties *and shall be completed prior to the Status Conference.*

- Mediated Settlement Conference with mediator selected by the parties. _____
The parties represent to the court that the selected mediator has been contacted and is available to conduct the mediation prior the deadline.
- Mediated Settlement Conference with court appointed mediator. _____
- Arbitration. _____
- Early Neutral Evaluation. _____
- Other _____

10. A Status Conference is hereby scheduled on _____ (date as given by Family Court). At the Status Conference, the court shall confirm completion of events scheduled in this order, address any outstanding discovery issues, set the trial term for this matter, set the due date for the Final Pretrial Order, and address any other outstanding issues.

This the _____ day of _____ 20_____.

District Court Judge Presiding

We Consent:

Plaintiff

Defendant

Plaintiff's Counsel

Defendant's Counsel

STATE OF NORTH CAROLINA
 COUNTY OF MECKLENBURG

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

 Plaintiff,
 vs.

 Defendant.

**STATUS CONFERENCE
 CHECKLIST AND ORDER
 FOR EQUITABLE DISTRIBUTION MATTER**

Present in Court:

Plaintiff Plaintiff's Counsel:

Defendant Defendant's Counsel:

Date of Marriage:

Date of Separation:

ACTION	DONE ✓	DUE DATE	OTHER
Have Equitable Distribution Affidavits been filed?			
Have all documents required by Local Rules been exchanged?			
Has Alternative Dispute Resolution been completed?			
Is discovery complete?			
Have all valuation methods been selected (i.e., appraisal, etc.)?			
How are household furnishings being handled?			
Have expert witnesses been identified?			
Have expert reports been exchanged?			
Have all witnesses been determined?			
Have stipulations re: authentication or other matters been discussed?			
What is the estimated length of trial?			
Equitable Distribution is set for the trial term beginning: ____/____/____			
When will the Final Pretrial Order be due?			

Other:

SO ORDERED:

This the ____ day of _____, 20____.

 District Court Judge

ED FINAL PRETRIAL ORDER INSTRUCTIONS

1	Start with the Schedule
2	Enter case number, case name, date of marriage, date of Separation, and date of divorce at the top. (If not divorced, leave blank.)
3	Round all values to the nearest dollar.
4	Item numbers should be sequential for each item in the FPTO all the way through the entire order (i.e. do not start renumbering). One exception is if you would like to use a number and subletter for a divisible component of an asset, or a secured debt related to an asset such as a mortgage or car loan, under the asset as a separate entry. For example Item 1 house, Item 1b mortgage, Item 1c divisible component of house. (See Sample Schedule) Consider using Household Furnishings Addendum if they are numerous and leaving one line in the main schedule for the total of the household furnishings.
5	Under "Stipulations" enter all stipulations to classification, DOS (or divisible) value, and distribution. Leave blank anything that is not stipulated to. If an item is stipulated to as Divisible, a stipulation of value is the divisible value instead of DOS Value. Classification should be one of the following things (M=marital, H's S=Husband's Separate Property, W's S=Wife's separate property, D=Divisible, Mx=Mixed Asset (part M, part S))
6	Fill out contentions section for the issues that lack a stipulation. It is not necessary to fill out contentions for issues where there are stipulations entered.
7	Use exhibit numbers that correspond to the Item number. If there is more than one exhibit for an Item, use a subletter for the exhibit. For example, Plaintiff's Exhibits P1a, P1b, P1c, P1d, all would relate to Item #1.
8	Enter "H" for Husband and "W" for Wife next to "P/___" or "D/___" in the blank in the Exhibit column heading.
9	Do not enter a separate section for separate property. Separate property contentions can be set forth in contentions next to the item under the type of asset or debt it is.
10	Add or delete rows as needed. Use consistent format/shading as the rest of the document.
11	Complete the Schedule, Factors, and Cover Sheet.
12	Print Cover Sheet in portrait format. Print Schedule and Factors in landscape format, scaling to fit all columns on one letter size page.
13	Sample Schedule is provided as an example of a mock completed schedule to provide some illustrative assistance if needed.

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO. __-CVD-_____

vs. Plaintiff,

Defendant.

FINAL EQUITABLE DISTRIBUTION
PRETRIAL ORDER

THIS CAUSE comes before the undersigned Judge upon pleadings seeking an Equitable Distribution.

IT APPEARS that the parties have reached agreement on certain facts and issues and have set forth their stipulations and contentions in the attached Schedule which is hereby incorporated herein by reference.

IT IS STIPULATED AND THEREFORE, ORDERED, ADJUDGED AND DECREED as follows:

- 1. This court has personal jurisdiction over this matter.
- 2. The attached Final Pretrial Order Schedule is attached hereto and incorporated herein by reference and sets forth the items the parties contend are to be part of the Equitable Distribution, and the parties contentions and/or stipulations for each item.
- 3. The parties date of marriage, date of separation, and date of divorce (if listed) are stipulated to be the dates as set forth in the attached Schedule.
- 4. All matters under the columns "Stipulations" are matters that are stipulated to as shown as to classification, value, and/or distribution and shall not require further evidence.
- 5. The following documents, reports, and or other exhibits may be admitted into evidence without further identification and/or authentication:

- A.
- B.
- C.
- D.
- E.

6. Additional Stipulations: (Add as many paragraphs as needed)

This the _____ day of _____, 20_____.

District Court Judge Presiding

We consent:

Plaintiff

Defendant

Plaintiff's Counsel

Defendant's Counsel

	Husband's Contentions	Wife's Contentions
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(ren) 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		

	Husband's Contentions	Wife's Contentions
<p>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</p>		
<p>Tax consequences to each party</p>		
<p>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</p>		
<p>Any other factor the court finds just and proper</p>		

ITEM #	In the name of	Contentions						Stipulations								
		H Class	W Class	H DOS Value	W DOS Value	H DOT Value	W DOT Value	H Comments	W Comments	P/H's Exh	D/W's Exh	Class.	DOS Value	Distributed to Husband (\$)	Distributed to Wife (\$)	
7a	Item #7 Divisible Property		D					No portion is divisible. All active increase in value since DOS.	Current value of the whole asset is \$2,000,000 and the divisible portion of that is passive increase in value of \$500,000. (Current value of marital portion is \$1,400,000.) Distribute marital and divisible portion to Husband.	See above under Item 7						
	HOUSEHOLD FURNISHINGS							parties have divided equally and this is not part of ED	parties have divided equally and this is not part of ED							
DEBTS																
8	Wells Fargo CC ending in 1234	H												M	-\$5,000	-\$5,000
9	First Citizens CC ending in 5678	W	W's S		-\$20,000			H has no idea W even had this card. It is W's separate property.	W used it for household shopping. It is marital property.	D9						
DIVISIBLE PROPERTY (IF ANY REMAINING THAT IS NOT ADDRESSED ABOVE - DO NOT DUPLICATE ENTRIES ABOVE)																
Totals																