

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

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.

		Classification			Possession			Value		Distribution			
Item	Property	Husband Contends Marital or Separate (M or S)	Wife Contends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contends who has it? (H or W)	Wife Contends who has it? (H or W)	Agreed on or Court Finding who has it? (H or W)	Husband Contends the DOS FMV	Wife Contends the DOS FMV	Husband Contends who gets it? (H or W)	Wife Contends 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.*

		Classification			Possession			Value		Distribution			
Item	Real Property	Husband Contends Marital or Separate (M or S)	Wife Contends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contends who has it? (H or W)	Wife Contends who has it? (H or W)	Agreed on or Court Finding who has it? (H or W)	Husband Contends the DOS FMV	Wife Contends the DOS FMV	Husband Contends who gets it? (H or W)	Wife Contends 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.*

		Classification			Possession			Value		Distribution			
Item	Debt related to Real Property	Husband Contends Marital or Separate (M or S)	Wife Contends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contends who has been paying? (H or W)	Wife Contends who has been paying? (H or W)	Agreed on or Court Finding who has been paying? (H or W)	Husband Contends the DOS FMV	Wife Contends the DOS FMV	Husband Contends who gets it? (H or W)	Wife Contends 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.

		Classification			Possession			Value		Distribution			
Item	Property (Name of Business)	Husband Contends Marital or Separate (M or S)	Wife Contends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contends who has it? (H or W)	Wife Contends who has it? (H or W)	Agreed on or Court Finding who has it? (H or W)	Husband Contends the DOS FMV	Wife Contends the DOS FMV	Husband Contends who gets it? (H or W)	Wife Contends 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.

		Classification			Possession			Value		Distribution			
Item	Retirement Accounts	Husband Contends Marital or Separate (M or S)	Wife Contends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contends who has it? (H or W)	Wife Contends who has it? (H or W)	Agreed on or Court Finding who has it? (H or W)	Husband Contends the DOS FMV	Wife Contends the DOS FMV	Husband Contends who gets it? (H or W)	Wife Contends 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.

		Classification			Possession			Value		Distribution			
Item	Vehicle	Husband Contends Marital or Separate (M or S)	Wife Contends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contends who has it? (H or W)	Wife Contends who has it? (H or W)	Agreed on or Court Finding who has it? (H or W)	Husband Contends the DOS FMV	Wife Contends the DOS FMV	Husband Contends who gets it? (H or W)	Wife Contends 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.

		Classification			Possession			Value		Distribution			
Item	Liens on Vehicles	Husband Contends Marital or Separate (M or S)	Wife Contends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contends who has been paying? (H or W)	Wife Contends who has been paying? (H or W)	Agreed on or Court Finding who has been paying? (H or W)	Husband Contends the DOS FMV	Wife Contends the DOS FMV	Husband Contends who gets it? (H or W)	Wife Contends 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 Ei
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.

		Classification			Possession			Value		Distribution			
Item	Description of Personal Property	Husband Contends Marital or Separate (M or S)	Wife Contends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contends who has it? (H or W)	Wife Contends who has it? (H or W)	Agreed on or Court Finding who has it? (H or W)	Husband Contends the DOS FMV	Wife Contends the DOS FMV	Husband Contends who gets it? (H or W)	Wife Contends 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.

		Classification			Possession			Value		Distribution			
Item	Property	Husband Contends Marital or Separate (M or S)	Wife Contends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contends who has it? (H or W)	Wife Contends who has it? (H or W)	Agreed on or Court Finding who has it? (H or W)	Husband Contends the DOS FMV	Wife Contends the DOS FMV	Husband Contends who gets it? (H or W)	Wife Contends who gets it? (H or W)	Agreed on or Court Finding: FMV Distributed to Husband	Agreed on or Court Finding: FMV Distributed to Wife
G1													
G2													
G3													
G4													
G5													
G6													
G7													
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G9													
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G11													
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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.

		Classification			Possession			Value		Distribution			
Item	Debt	Husband Contends Marital or Separate (M or S)	Wife Contends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contends who has been paying? (H or W)	Wife Contends who has been paying? (H or W)	Agreed on or Court Finding who has been paying? (H or W)	Husband Contends the DOS FMV	Wife Contends the DOS FMV	Husband Contends who gets it? (H or W)	Wife Contends 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

Itemize on a separate sheet as needed

Factors

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.

Husband's Contentions:

Wife's Contentions:

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.

Husband's Contentions:

Wife's Contentions:

3. Passive income from marital property received after the date of separation, including, but not limited to, interest and dividends.

Husband's Contentions:

Wife's Contentions:

4. Increases in marital debt and financing charges and interest related to marital debt.

Husband's Contentions:

Wife's Contentions:

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:**

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.

Husband's Contentions:

Wife's Contentions:

13. Payments on marital debt since separation.

Husband's Contentions:

Wife's Contentions:

14. Repairs or improvements to marital assets since separation.

Husband's Contentions:

Wife's Contentions:

15. Separate property was used for the purchase price of a marital asset.

Husband's Contentions:

Wife's Contentions:

16. Party's family paid the purchase price of a marital asset.

Husband's Contentions:

Wife's Contentions:

17. Any other factor which the Court finds just and proper.

Husband's Contentions:

Wife's Contentions:

STATE OF NORTH CAROLINA

GUILFORD COUNTY

In The General Court of Justice
District Court Division

File Number: _____

Plaintiff	v.	Defendant
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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		DOS FMV to Husband	DOS FMV to Wife
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		

Totals

Divisible Property - Total FMV

Distributive Award

Cross Check

Separate Property - Total FMV