

AFFIDAVIT OF

STATE OF NORTH CAROLINA  
COUNTY OF MECKLENBURG

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

, )  
)  
Plaintiff,) )  
)  
vs. )  
)  
)  
)  
Defendant.) )  
\_\_\_\_\_ )

EQUITABLE DISTRIBUTION  
AFFIDAVIT OF

Date of Marriage: \_\_\_\_\_  
Date of Separation: \_\_\_\_\_

THE ABOVE-NAMED PARTY, being duly sworn and under oath, states as follows:

1. I am filing with the Court, as required by its Rules, this affidavit for its use in entering a final judgment of equitable distribution.
2. I have read and understand the Instructions which are contained in this Affidavit.
3. In this Affidavit I have made a full and complete disclosure of: all marital property, separate property, and debts known to me and existing on the date of separation; all divisible property; all property acquired since the date of separation; and all property disposed of since the date of separation. I further warrant to the Court that I have not intentionally furnished any false information to the Court. I understand that providing a false Affidavit to the Court could serve as a basis for setting aside a judgment in this proceeding as well as permitting the Court to impose sanctions against me.
4. I have provided to the opposing party copies of the documents listed in Part VI of this Affidavit.

This the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_

Sworn to and subscribed before me  
this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
(Signature of Notary Public)

\_\_\_\_\_  
Printed Name of Notary Public

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

**SUMMARY**

**NOTE** This page is a summary of the values given in the rest of the Affidavit. Complete this page after the rest of the Affidavit has been completed.

**PART I - MARITAL PROPERTY**

	<b>Schedule/Category</b>	<b>DOS Net FMV</b>
A	Real Estate	
B	Transportation	
C	Accounts	
D	Other Investments Held by Owner	
E	Jewelry	
F	Collections	
G	Household Goods	
H	Retirement Benefits	
I	Life Insurance Policies	
J	Business Interests	
K	Active Increase in Separate Property	
L	Other Items	
	<b>TOTAL NET FMV</b>	

**PART II - DIVISIBLE PROPERTY**

	<b>CATEGORY</b>	
	<b>TOTAL NET FMV</b>	-

**PART III - SEPARATE PROPERTY**

1	Husband's separate property - <b>TOTAL NET FMV</b>	
2	Wife's separate property - <b>TOTAL NET FMV</b>	

**PART IV - DEBT**

	<b>CATEGORY</b>	
1	Total marital debt	-
2	Total non-marital debt	-

**PART I**  
**MARITAL PROPERTY**

SCHEDULE A  
REAL ESTATE

NO.	DESCRIPTION OF PROPERTY	DOS FMV	DOS LOAN BALANCE	DOS NET VALUE	WHO HAS POSSESSION (H OR W)	PROPOSED DISTRIBUTION (H OR W)
1.						

**PART I**  
**MARITAL PROPERTY**

SCHEDULE B  
TRANSPORTATION

NO.	DESCRIPTION OF PROPERTY	DOS FMV	DOS LOAN BALANCE	DOS NET VALUE	WHO HAS POSSESSION (H OR W)	PROPOSED DISTRIBUTION (H OR W)
1.						
2.						
3.						

**PART I**  
**MARITAL PROPERTY**

SCHEDULE C  
ACCOUNTS

NO.	DESCRIPTION OF PROPERTY (Institution, Type of Account, Account No., Etc.)	DOS NET FMV	OWNER (H, W, OR JT)	PROPOSED DISTRIBUTIO N (H OR W)
1				

**PART I**

**MARITAL PROPERTY**

SCHEDULE D

STOCKS, BONDS, OTHER INVESTMENTS HELD BY OWNER

<b>NO.</b>	<b>DESCRIPTION OF PROPERTY</b> (Stock: Name of Company, number of shares, value per share) --- (Bonds: Name of Issuing Company, Face Amount, Maturity Date)	<b>DOS NET FMV</b>	<b>OWNER</b> (H, W, OR JT)	<b>PROPOSED DISTRIBUTIO N (H OR W)</b>

**PART I**  
**MARITAL PROPERTY**

SCHEDULE E  
JEWELRY

NO.	DESCRIPTION OF PROPERTY	DOS NET FMV	WHO HAS POSSN. (H OR W)	PROPOSED DISTRIBUTION (H OR W)

**PART I**  
**MARITAL PROPERTY**

SCHEDULE F  
COLLECTIONS

NO.	DESCRIPTION OF PROPERTY	DOS NET FMV	WHO HAS POSSN. (H OR W)	PROPOSED DISTRIBUTIO N (H OR W)



**PART I**  
**MARITAL PROPERTY**

SCHEDULE G  
HOUSEHOLD GOODS

<b>NO.</b>	<b>DESCRIPTION OF PROPERTY</b>	<b>DOS NET FMV</b>	<b>WHO HAS POSSN. (H OR W)</b>	<b>PROPOSED DISTRIBUTION (H OR W)</b>
1				
2				
3				
4				
5				
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7				
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27				
28				
29				
30				

**PART I**  
**MARITAL PROPERTY**

ALTERNATE SCHEDULE G  
HOUSEHOLD GOODS

1. BOTH PARTIES HAVE CONFERRED AND AGREED TO OBTAIN A NON-BINDING APPRAISAL OF ALL HOUSEHOLD GOODS WITHIN 30 DAYS OF THE INITIAL PRETRIAL CONFERENCE. THE CHOICE OF APPRAISER AND ALLOCATION OF COST HAVE BEEN AGREED UPON BETWEEN THE PARTIES.  
\_\_\_\_\_
2. SAME AS 1, EXCEPT THAT THE FOLLOWING ISSUE(S) ARE SUBMITTED FOR THE COURT TO  
\_\_\_\_\_ A. CHOICE OF APPRAISER  
\_\_\_\_\_ B. WHO SHOULD PAY HOW MUCH OF THE APPRAISER'S FEE
3. BOTH PARTIES HAVE AGREED TO PARTICIPATE IN A BINDING AUCTION OF HOUSEHOLD GOODS WITHIN 30 DAYS OF THE INITIAL PRETRIAL CONFERENCE, WITH EACH ITEM BEING DISTRIBUTED TO THE HIGHER BIDDER, PER LOCAL RULES OF COURT.  
\_\_\_\_\_
4. ALL HOUSEHOLD GOODS HAVE BEEN PREVIOUSLY DIVIDED TO MY SATISFACTION AND NO VALUES FOR HOUSEHOLD GOODS SHALL BE INCLUDED, IN EITHER MY SHARE OR MY SPOUSE'S SHARE, FOR PURPOSES OF EQUITABLE DISTRIBUTION.  
\_\_\_\_\_
5. I WILL ACCEPT WHATEVER MY SPOUSE LISTS FOR HOUSEHOLD GOODS, THEIR VALUE, AND DISTRIBUTION.  
\_\_\_\_\_

**AUCTIONS OF HOUSEHOLD GOODS**

If the parties to an Equitable Distribution proceeding agree to participate in a binding auction instead of listing their household goods on their Equitable Distribution Affidavits, the following rules shall apply unless the parties enter into a written stipulation regarding a different procedure to be followed.

- (1) The auction shall occur within thirty (30) days of the date scheduled for the Initial Pretrial Conference.
- (2) The parties shall jointly prepare a list of all items of household goods to be auctioned. To the extent possible, items shall be listed by their location in the former marital residence. If a party claims that an item is separate property, such contention shall be noted on the list. If the parties dispute the existence of the item of property, the dispute shall be noted on the list.
- (3) Both parties must attend the auction. If a party is represented by an attorney, the attorney or a representative of the attorney (e.g., a paralegal) must attend the auction.
- (4) The auction shall begin with the first item on the list, and shall proceed in the order in which items have been listed.
- (5) The parties shall flip a coin to determine which party is to have the first bid on the first item on the list. Thereafter, the first bid shall be rotated on each successive item.
- (6) All bids after the initial bid must increase by at least \$10 on each item on which the initial bid is less than \$100 and by \$25 on each item on which the initial bid is at least \$100.
- (7) There shall be a 30-second time limit for making a bid. Failure to bid within the time limit results in an allocation of the item to the other party at the previous bid.
- (8) When there are no more bids on an item, the item shall be deemed to have been "purchased" by and distributed to the party making the last and highest bid, at a net fair market value equal to the amount of such bid.
- (9) The list of household goods shall contain a column for each party, and as items are bid off, the amount of the last and highest bid shall be recorded in the column of the party making such bid.
- (10) This auction process shall determine the net fair market value of each item of property as of the date of separation, and shall determine the party to whom the item of property is to be distributed.
- (11) If there are disputes as to whether items of property are separate property or marital property, the Court shall resolve such disputes at trial.
- (12) If there are disputes as to whether all items of marital property have been identified and listed, the Court shall resolve such disputes at trial and, if necessary, value and distribute items of marital property which are not contained on the list used in the auction process. In addition, if there is no bid on an item which is included on the list of household goods, the Court shall value and distribute the item, unless the parties agree otherwise.

**PART I  
MARITAL PROPERTY**

SCHEDULE H  
RETIREMENT BENEFITS

PLANS WITH ACCOUNT BALANCES

(IRA Accounts and Defined Contribution Plans such as:  
401(k) Plans, Profit-Sharing Plans, and Retirement Savings Plans)

NO.	DESCRIPTION OF ASSET	DOS NET	PROPOSED
1			

PLANS WITH MONTHLY OR OTHER PAYMENTS

(Pension Plans and Other Defined Benefit Plans)

NO.	DESCRIPTION	DOS NET FMV	PROPOSED DISTRIB. (H or W)
1	First Plan: Participant (H or W): husband -Name of Plan: -Date of Birth: -Date employment began: -Date participation began: -Is participant still participating: -If not, date participation ended: -Total accrued benefit as of DOS: \$_____ per _____ (month, week, etc.)		
2	Second Plan: Participant (H or W): -Name of Plan: -Date of Birth: -Date employment began: -Date participation began: -Is participant still participating: -If not, date participation ended: -Total accrued benefit as of DOS: \$_____ per _____ (month, week, etc.)		

AFFIDAVIT OF

**PART I**  
**MARITAL PROPERTY**

SCHEDULE I  
LIFE INSURANCE POLICIES (WITH CASH VALUE)

NO.	DESCRIPTION OF PROPERTY	DOS NET CASH VALUE	POLICY OWNER (H or W)	PROPOSED DISTRIBUTION (H OR W)

**PART I**  
**MARITAL PROPERTY**

**SCHEDULE J**  
**BUSINESS INTERESTS**

<b>NO.</b>	<b>DESCRIPTION OF PROPERTY</b> (Name of Business, Type of Business Organization, i.e, whether Partnership, Corporation, etc.)	<b>AMOUNT OR PERCENTAGE OF OWNERSHIP</b>	<b>DOS NET FMV</b>	<b>TITLE OWNER (H, W, OR JT)</b>	<b>PROPOSED DISTRIB. (H or W)</b>

**PART I**  
**MARITAL PROPERTY**

SCHEDULE K  
ACTIVE INCREASE IN VALUE OF SEPARATE PROPERTY

<b>NO.</b>	<b>DESCRIPTION OF PROPERTY AND OWNER</b>	<b>NATURE OF CONTRIBUTION TO INCREASE IN VALUE (MONETARY OR LABOR)</b>	<b>NET FMV DOM OR DATE OF ACQUISITION</b>	<b>NET FMV DOS</b>	<b>AMOUNT OF ACTIVE INCREASE IN VALUE</b>

**PART I**  
**MARITAL PROPERTY**

SCHEDULE L  
OTHER ITEMS NOT LISTED ABOVE

(Panther PSLs, Tax Refunds, Security Deposits, Frequent Flyer Miles, etc.)

<b>NO.</b>	<b>DESCRIPTION</b>	<b>DOS NET FMV</b>	<b>WHO HAS POSSN (H OR W)</b>	<b>PROPOSED DISTRIB. (H OR W)</b>



**PART II**

**DIVISIBLE PROPERTY**

- a. All 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, except that appreciation or diminution in value which is the result of post-separation actions or activities of a spouse shall not be treated as divisible property.

<b>NO.</b>	<b>DESCRIPTION OF ITEM AND SUMMARY OF CONTENTIONS</b>	<b>NET VALUE AT PRESENT</b>	<b>PROPOSED DISTRIB. (H OR W)</b>

**PART II**

**DIVISIBLE PROPERTY**

- b. All 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.

NO.	DESCRIPTION OF ITEM AND SUMMARY OF CONTENTIONS	NET VALUE AT PRESENT	PROPOSED DISTRIB. (H OR W)

**PART II**

**DIVISIBLE PROPERTY**

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

<b>NO.</b>	<b>DESCRIPTION OF ITEM AND SUMMARY OF CONTENTIONS</b>	<b>NET VALUE AT PRESENT</b>	<b>PROPOSED DISTRIB. (H OR W)</b>

**PART II**

**DIVISIBLE PROPERTY**

d. Increases and decreases in marital debt and financing charges and interest related to marital debt.

NO.	DESCRIPTION OF ITEM AND SUMMARY OF CONTENTIONS	NET VALUE AT PRESENT	PROPOSED DISTRIB. (H OR W)

TOTAL NET VALUE OF ALL DIVISIBLE PROPERTY  
["a" plus "b" plus "c" minus "d"]

\_\_\_\_\_

**PART III**

SEPARATE PROPERTY

NO.	DESCRIPTION OF ASSET	OWNER AND DOS NET VALUE		WHO HAS POSSN (H OR W)
		HUSBAND	WIFE	

**PART IV**

DEBTS

NO.	DEBT (NAME OF CREDITOR AND ACCT. NO., AND, IF DEBT IS SECURED, THE COLLATERAL)	DOL AMT. OWED	DEBTO R (H OR W OR JT)	CLASSIFICATIO N		POST-SEPARATION PAYMENTS		PROPOSE D DISTRIB. (H OR W)
				MARITAL AMT.	NON- MARITAL AMT.	BY HUSBAN D	BY WIFE	
1								
2								
3								
4								
5								
6								
7								
8								
9								

**PART V**

POST- SEPARATION DISPOSITION OF PROPERTY

NO.	ITEM OF PROPERTY	DATE OF DISPOSITION	TYPE OF DISPOSITION	AMOUNT OF BENEFIT TO EACH PARTY	
				HUSBAND	WIFE
1					
2					
3					

**PART VI**

I have provided the opposing party copies of the documents listed below:

<b>NO.</b>	<b>DESCRIPTION</b>



**PART VII**

DISTRIBUTIONAL FACTORS

Instructions:

- Complete this Part VI ONLY if you want an unequal distribution.
- Mark all factors which you believe are applicable and entitle you to an unequal distribution.
- Summarize the factual basis for your contentions about each factor which you check.

NO.	FACTORS	MARK "X" IF APPLIES	CONTENTIONS
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 or to use or own its household effects.		
5	The expectation of nonvested pension, retirement, or other deferred compensation rights, which is separate property.		
6	Any equitable claim to, interest in, or contribution made to the acquisition of marital property by the party not having title, including efforts, expenditures, contributions, and services, or lack thereof, as a spouse, parent, wage earner or homemaker.		
7	Any direct contribution made by one spouse to help educate or develop the career potential of the other spouse.		
8	Any direct contribution to an increase in value of separate property which occurs during the course of the marriage.		
9	The liquid or nonliquid character of the marital property.		
10	The difficult of evaluating any component asset or interest in a business 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.		
11a	Acts of either party to maintain, preserve, develop, or expand, or to waste, neglect, devalue or convert such marital property, after separation of the parties and before the time of distribution.		
12	Any other factor which the court finds to be just and proper.		

AFFIDAVIT OF

SCHEDULE M

YOUR GROSS INCOME AT PRESENT TIME  
(MONTHLY AVERAGE)

TYPE OF INCOME	GROSS AMOUNT
Salary and Wages	
Bonuses and Commissions	
Retirement/Social Security	
Disability/Workers Comp.	
Rents	
Dividends and Interest	
Profit from Business	
Other (list)	
<b>TOTAL</b>	

AFFIDAVIT OF

SCHEDULE N

YOUR DEBTS AND LIABILITIES AT PRESENT TIME

NO.	Name of Creditor and Account No.	Balance Owed

AFFIDAVIT OF

SCHEDULE O

PROPERTY ACQUIRED AFTER DATE OF SEPARATION  
(Having Value of \$500.00 or More)

NO.	ITEM OF PROPERTY	COST	NET VALUE AT PRESENT

**CERTIFICATE OF SERVICE**

I certify that on this date I served a copy of this EQUITABLE DISTRIBUTION AFFIDAVIT upon the opposing party by:

[check one]

facsimile to opposing party or that party's counsel at the number shown below:

\_\_\_\_\_

depositing it in the exclusive care and custody of the United States Postal Service with sufficient first-class postage affixed thereto and addressed to the person(s) at the address shown below:

\_\_\_\_\_

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

This the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_

\_\_\_\_\_  
Attorney for \_\_\_\_\_