

NORTH CAROLINA  
9<sup>th</sup> JUDICIAL DISTRICT  
COUNTY OF \_\_\_\_\_

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

\_\_\_\_\_  
Plaintiff,  
  
v.  
  
\_\_\_\_\_  
Defendant.

**EQUITABLE DISTRIBUTION  
INVENTORY AFFIDAVIT**  
for

\_\_\_\_\_

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

1. I am submitting this affidavit in accordance with G.S. 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 and present value of all assets and debts.
4. This affidavit consists of this sheet and the \_\_\_\_\_ attached pages.

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

\_\_\_\_\_  
AFFIANT  
 Plaintiff     Defendant

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

Sworn and subscribed personally before me, this the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

1. The following are the statutory definitions for “Marital”, “Separate”, and “Divisible” Assets:
  - a. “Marital property” means all real and personal property acquired by either spouse or both spouses during the course of the marriage and before the date of the separation of the parties, and presently owned, except property determined to be separate property or divisible property. Marital property also includes all vested and nonvested pension, retirement, and other deferred compensation rights, and vested and nonvested military pensions eligible under the Federal Uniformed Services Former Spouses’ Protection Act. It is presumed that all property acquired after the date of marriage and before the date of separation is marital property except property which is separate property.
  - b. “Separate property” means all real and personal property acquired by a spouse before marriage or acquired by a spouse by bequest, devise, descent, or gift during the course of the marriage. However, property acquired by gift from the other spouse during the course of the marriage shall be considered separate property only if such an intention is stated in the conveyance. Property acquired in exchange for separate property shall remain separate property regardless of whether the title is in the name of the husband or wife or both and shall not be considered to be marital property unless a contrary intention is expressly stated in the conveyance. The increase in value of separate property and the income derived from separate property shall be considered separate property. All professional licenses and business licenses which would terminate or transfer shall be considered separate property.
  - c. “Divisible property” means all real and personal property as set forth below:
    - i. 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 postseparation actions or activities of a spouse shall not be treated as divisible property.
    - ii. 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.
    - iii. Passive income from marital property received after the date of separation, including, but not limited to, interest and dividends.
    - iv. Increases in marital debt and financing charges and interest related to marital debt.
2. 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)

**REAL ESTATE**

<b>Asset #</b>	<b>Property Address</b>	<b>Date Acquired &amp; How Titled (H, W or JT)</b>	<b>Tax Basis (i.e., Purchase Price + Cost of Improvements Made)</b>	<b>Who Has Current Possession? (H/W)</b>	<b>What is Your Proposed Distribution? (H/W)</b>	<b>Fair Market Value on DOS</b>	<b>DOS Principal Balance(s) of All Loans Secured by Property</b>	<b>Present FMV</b>	<b>Present Loan Balance(s)</b>
A1									
Contentions:									
A2									
Contentions:									
A3									
Contentions:									
A4									
Contentions:									
A5									
Contentions:									
A6									
Contentions:									

**VEHICLES:** Cars, trucks, boats, planes, jet skis, four wheelers, motorcycles, etc.

<b>Asset #</b>	<b>Year, Make, Model of Asset &amp; Lienholder</b>	<b>Date Acquired &amp; Title Owner (H, W, or JT)</b>	<b>Who Has Current Possession?</b>	<b>What is Your Proposed Distribution?</b>	<b>Fair Market Value on DOS</b>	<b>Note balance on DOS</b>	<b>Present FMV</b>	<b>Present Debt</b>
B1								
Contentions:								
B2								
Contentions:								
B3								
Contentions:								
B4								
Contentions:								
B5								
Contentions:								
B6								
Contentions:								
B7								
Contentions:								

**STOCKS, BONDS, MUTUAL FUNDS AND STOCK OPTIONS**

<b>Asset #</b>	<b>Description of Asset, Location &amp; last four digits of Account Number</b>	<b>Date Acquired &amp; Title Owner (H, W, or JT)</b>	<b>Who Has Current Possession?</b>	<b>What is Your Proposed Distribution?</b>	<b>Account Value on DOS</b>	<b>Loan Balance on DOS</b>	<b>Present Account Value</b>	<b>Present Debt</b>
C1								
Contentions:								
C2								
Contentions:								
C3								
Contentions:								
C4								
Contentions:								
C5								
Contentions:								
C6								
Contentions:								

**BANK ACCOUNTS, CREDIT UNION ACCOUNTS, CERTIFICATES OF DEPOSITS**

<b>Asset #</b>	<b>Name of Bank, Type of Account, and Last four digits of Account Number</b>	<b>Date Acquired &amp; Title Owner (H, W, or JT)</b>	<b>Who Has Current Possession?</b>	<b>What is Your Proposed Distribution?</b>	<b>Account Balance on DOS</b>	<b>Present Account Balance</b>
D1						
Contentions:						
D2						
Contentions:						
D3						
Contentions:						
D4						
Contentions:						
D5						
Contentions:						
D6						
Contentions:						

**BUSINESS INTERESTS (CORPORATION, PARTNERSHIPS, LLCs, ETC.)**

<b>Asset #</b>	<b>Description of Asset &amp; Location (Include whether incorporated, sole proprietorship, partnership, joint venture, etc.). Identify each partner/shareholder and the percentage of ownership for each person so identified.</b>	<b>Date Acquired &amp; Title Owner (H, W, or JT)</b>	<b>Original Price of Interest</b>	<b>Who Has Current Possession?</b>	<b>What is Your Proposed Distribution?</b>	<b>Fair Market Value of Entity on DOS</b>	<b>Current FMV</b>
E1							
Contentions:							
E2							
Contentions:							

**LIST ANY MONEY THAT SOMEONE MAY OWE YOU OR YOUR SPOUSE**

<b>Asset #</b>	<b>Description of Asset, Location, Terms of Note, Monthly Payment Amount (Principal &amp; Interest)</b>	<b>Date Acquired &amp; Title Owner (H, W, or JT)</b>	<b>Who Has Current Possession?</b>	<b>What is Your Proposed Distribution?</b>	<b>Amount Owed by Debtor on DOS</b>	<b>Present Amount Owed</b>
F1						
Contentions:						
F2						
Contentions:						

**LIFE INSURANCE, INCLUDING CASH VALUE**

<b>Asset #</b>	<b>Description of Policy; Policy #; Owner, Insured, and Original Beneficiary</b>	<b>Date Acquired &amp; Title Owner (H, W, or JT)</b>	<b>Who Has Current Possession?</b>	<b>What is Your Proposed Distribution?</b>	<b>Cash Value on DOS</b>	<b>Loan Balance on DOS</b>	<b>Present Cash Value/Loan Balance</b>	<b>Current Beneficiary</b>
G1								
Contentions:								
G2								
Contentions:								
G3								
Contentions:								
G4								
Contentions:								
G5								
Contentions:								
G6								
Contentions:								



**RETIREMENT:** Defined Benefit and Defined Contribution Pension Plans; 401(k) Plans; 403(b) Plans; Profit Sharing Plans; Deferred Compensation Plans and all other Retirement Benefits, including IRA accounts

Asset #	Description of Asset, including last four digits of Account Number, and current beneficiary	Date Acquired & Title Owner (H, W, or JT)	Who Has Current Possession?	What is Your Proposed Distribution?	Account Balance on DOS/Loan Balance on DOS	Present Account Balance/Loan Balance	If applicable, Monthly Payment
H1							
Contentions:							
H2							
Contentions:							
H3							
Contentions:							
H4							
Contentions:							
H5							
Contentions:							
H6							
Contentions:							

**OTHER PERSONAL PROPERTY:** Artwork, Jewelry, Farm/Show Animals, Intellectual Property Rights, Household Furnishings, Yard Equipment, Appliances, Special Collections, Etc.

Asset #	Description of Asset & Lienholder	Date Acquired & Title Owner (H, W, or JT)	Who Has Current Possession?	What is Your Proposed Distribution?	Fair Market Value on DOS and Loan Balance, if any	Present FMV and Loan Balance
I1						
Contentions:						
I2						
Contentions:						
I3						
Contentions:						
I4						
Contentions:						
I5						
Contentions:						
I6						
Contentions:						
I7						
Contentions:						

Asset #	Description of Asset & Lienholder	Date Acquired & Title Owner (H, W, or JT)	Who Has Current Possession?	What is Your Proposed Distribution?	Fair Market Value on DOS and Loan Balance, if any	Present FMV and Loan Balance
18						
Contentions:						
19						
Contentions:						
110						
Contentions:						
111						
Contentions:						
112						
Contentions:						
113						
Contentions:						
114						
Contentions:						

**MARITAL DEBTS:** (Acquired after Date of Marriage and before Date of Separation)

Debt #	Name & Address of Creditor, Last four digits of Account Number	Name of Person(s) Who is The Obligor on the Debt	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
1						
Contentions:						
2						
Contentions:						
3						
Contentions:						
4						
Contentions:						
5						
Contentions:						
6						
Contentions:						
7						
Contentions:						

**SEPARATE ASSETS:** (Acquired BEFORE date of marriage or AFTER date of separation, or acquired by inheritance or gift to you only.)

Asset #	Description of Asset	Date Acquired & Reason Separate	Purchase Price	DOS FMV	Present FMV
1					
Contentions:					
2					
Contentions:					
3					
Contentions:					
4					
Contentions:					
5					
Contentions:					
6					
Contentions:					
7					
Contentions:					

**SEPARATE DEBTS:** (Acquired BEFORE date of marriage or AFTER date of separation.)

Debt #	Name & Address of Creditor, Last four digits of 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
1						
<b>Contentions:</b>						
2						
<b>Contentions:</b>						
3						
<b>Contentions:</b>						
4						
<b>Contentions:</b>						
5						
<b>Contentions:</b>						
6						
<b>Contentions:</b>						

If the debt is in joint names, identify the party who you claim is responsible for the debt.

## 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 would not be equitable in your case. **Only complete this schedule if you are seeking an unequal division of marital property.** Please 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 own 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.	

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_____, Plaintiff,  v.  _____, Defendant.
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**CERTIFICATE OF SERVICE  
(EQUITABLE DISTRIBUTION AFFIDAVIT)**

**CERTIFICATE OF SERVICE**

I, \_\_\_\_\_, the undersigned, do hereby certify that a copy of the foregoing Equitable Distribution Affidavit was served in the following manner:

\_\_\_ By depositing a copy in the US Mail in a properly addressed, postpaid envelope to:

\_\_\_ By hand delivery to:

\_\_\_ By facsimile to: \_\_\_\_\_ Fax No.: \_\_\_\_\_

\_\_\_ Other:

Date: \_\_\_\_\_

Plaintiff                       Defendant  
 Attorney for Plaintiff       Attorney for Defendant