STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE

DISTRICT COURT DIVISION

COUNTY OF MECKLENBURG 12-CVD-\_\_\_\_\_\_\_\_\_

JANE DOE, )

)

Plaintiff, )

)

vs. ) **COMPLAINT**

)

JOHN DOE, )

)

Defendant. )

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)

NOW COMES Plaintiff, complaining of Defendant, alleges and says:

**PARTIES, CAPACITY, JURISDICTION, AND VENUE**

## Plaintiff is a resident and citizen of Mecklenburg County, North Carolina and has been a resident of North Carolina for more than six months next preceding the commencement of this action.

## Defendant is a resident and citizen of Mecklenburg County, North Carolina.

## This is an action for:

1. Postseparation support, pursuant to North Carolina General Statutes §50-16.1A, *et seq*.;
2. Alimony, pursuant to North Carolina General Statutes §50-16.1A*, et seq*.;
3. Equitable distribution, pursuant to North Carolina General Statutes §50-20, *et seq*.;
4. Attorney’s fees, pursuant to North Carolina General Statutes §50-16.4, *et seq*.

**FACTUAL ALLEGATIONS**

## Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 3 as fully set forth herein.

## Plaintiff and Defendant were lawfully married to each other on or about January 1, 2002 in Charlotte, NC, and are now husband and wife.

## Plaintiff and Defendant separated on June 1, 2012 when Defendant departed from the marital residence of the parties located at 123 Harmony Lane, Charlotte, North Carolina.

## Defendant is not an infant, an incompetent, or a member of the armed services, and suffers from no disability.

## Plaintiff is actually and substantially dependent upon Defendant for her maintenance and support, and Plaintiff is substantially in need of maintenance and support from Defendant.

## Plaintiff is the dependent spouse of Defendant as defined in North Carolina General Statute §50-16.1A(2). Defendant is the supporting spouse of Plaintiff as defined in North Carolina General Statute §50-16.1A(5).

## On the date of separation, Plaintiff and Defendant owned real estate located in Mecklenburg County, North Carolina.

## During the course of the parties’ marriage, Plaintiff and Defendant have enjoyed a high standard of living, including, but not limited to, a fine home in an excellent neighborhood, and many other amenities.

## Defendant has offered such indignities to the person of the Plaintiff as to render her condition intolerable and her life burdensome, as is hereafter alleged with particularity:

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## Plaintiff does not have the sufficient means whereon to subsist during the prosecution of this action and to defray the necessary expenses thereof, and Plaintiff does not have sufficient funds with which to employ and pay legal counsel to institute and prosecute this action on her behalf. Plaintiff is informed, believes, and therefore alleges that she is entitled to a reasonable award of attorney’s fees on all issues relating to postseparation support and alimony.

**FIRST CLAIM FOR RELIEF**

**(Postseparation Support)**

## Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 13 as fully set forth herein.

## Pursuant to the provisions of North Carolina General Statutes §50-16.2A and §50-16.4, Plaintiff is entitled to postseparation support and counsel fees, the same to be allotted, paid and secured to Plaintiff from the property, earnings and estate of Defendant.

**SECOND CLAIM FOR RELIEF**

**(Alimony)**

## Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 15 as fully set forth herein.

## Pursuant to the provisions of North Carolina General Statutes §50-16.3A and §50-16.4, Plaintiff is entitled to alimony support and counsel fees, the same to be allotted, paid and secured to Plaintiff from the property, earnings and estate of Defendant.

**THIRD CLAIM FOR RELIEF**

**(Equitable Distribution)**

## Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 17 as fully set forth herein.

## During the marriage of Plaintiff and Defendant, Plaintiff and Defendant acquired marital property as that term is defined by North Carolina General Statute §50-20(b)(1).

## Plaintiff is entitled to have the marital property accumulated by Plaintiff and Defendant during their marriage equitably distributed as provided in by North Carolina General Statutes §50-20 and §50-21.

## Plaintiff alleges that pursuant to the provisions of by North Carolina General Statute §50-20(c), she is entitled to an unequal distribution of marital property in her favor.

WHEREFORE, Plaintiff, prays the Court for relief as follows:

1. That the Court issue and enter a Notice directing Defendant to appear before a Judge presiding over a Civil Session of the General Court of Justice, District Court Division of Mecklenburg County, North Carolina, at a date, time and place designated in such Notice and show cause, if any he has, as to why Plaintiff should not be awarded and granted the relief prayed for in this Complaint, including awarding and granting to Plaintiff of temporary and permanent postseparation support for the maintenance and support of Plaintiff pending the final determination and adjudication of the merits of this action, and reasonable attorney’s fees to Plaintiff’s counsel for legal services rendered to Plaintiff in connection with the institution and prosecution of this action on her behalf.
2. That Plaintiff be awarded postseparation support for the maintenance and support of Plaintiff pending the final determination of and adjudication of the merits of this action, the same to be allotted, paid and secured from the property, earnings and estate of Defendant.
3. That Plaintiff be awarded permanent alimony for the maintenance and support of Plaintiff pending the final determination of and adjudication of the merits of this action, the same to be allotted, paid and secured from the property, earnings and estate of Defendant.
4. That Defendant be ordered to continue payments of any premiums and costs associated with any life, disability, medical, dental or accident insurance presently covering Plaintiff.
5. That Defendant be ordered to pay reasonable attorney’s fees to Plaintiff’s legal counsel for services rendered to Plaintiff in connection with the institution and prosecution of this action on her behalf.
6. That the marital property accumulated by Plaintiff and Defendant be equitably distributed and that Plaintiff receive an unequal distribution in her favor.
7. That the Court enter an order requiring Defendant to transfer to Plaintiff control of some or all of the marital property pending entry of a final judgment of equitable distribution pursuant to North Carolina General Statute §50-20 (i1).
8. That Defendant be taxed with the costs of this action.
9. That Plaintiff have and recover such other and further relief as to the Court may seem just and proper.

This the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2012.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Jane Doe

Plaintiff

123 Harmony Lane

Charlotte, NC 28204

(704) 333-1234

STATE OF NORTH CAROLINA

**VERIFICATION**

COUNTY OF MECKLENBURG

Jane Doe, being first duly sworn, deposes and says that she is the Plaintiff/Plaintiff in the above-captioned matter; that she has read the foregoing Complaint and knows the contents thereof and that the same are true to her own knowledge except as to those matters stated on information and belief, and as to those matters she believes them to be true.

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

Jane Doe

SWORN TO AND SUBSCRIBED BEFORE ME

this the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2012.

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

Notary Public

My Commission Expires:\_\_\_\_\_\_\_\_\_\_\_\_\_