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, (“Mother”) complaining of Defendant, (“Father”) alleges and says:

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

## Mother 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.

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

## This is an action for:

1. Child Custody and Support, pursuant to North Carolina General Statutes §50-13.1, *et seq*. and §50-13.4, *et seq*.;
2. Postseparation support, pursuant to North Carolina General Statutes §50-16.1A, *et seq*.;
3. Alimony, pursuant to North Carolina General Statutes §50-16.1A*, et seq*.;
4. Equitable distribution, pursuant to North Carolina General Statutes §50-20, *et seq*.;
5. Attorney’s fees, pursuant to North Carolina General Statutes §50-13.6, *et seq*. and §50-16.4, *et seq*.

**FACTUAL ALLEGATIONS**

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

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

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

## There were two children born to the marriage of the parties, to wit: Janie Doe, born 2003, now (8) years of age, and Johnny Doe, born 2005, now (5) years of age.

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

## Mother is a fit and proper person to have the care, control and custody of the minor children born of the marriage.

## It is in the best interests of the minor children that Mother be granted the care, control and custody of the minor children.

## The minor children have resided at the times and places as set out in the attached **Affidavit As to Status of Minor Child/ren** incorporated herein by reference as if fully set forth. North Carolina has jurisdiction over the subject matter of this litigation as set forth in said affidavit.

## Pursuant to N.C.G.S. §50A-209, Mother further respectfully shows the Court the following required information:

1. Mother has not participated as a party, witness, or in any other capacity in any other litigation concerning the custody of the minor child in this or any other state.
2. Mother has no information of any custody proceeding concerning the minor child pending in any court of this or any other state.
3. Mother knows of no other person not a party to these proceedings who has physical custody of the minor child or claims to have custody or visitation rights with respect to the child.

## Father owes a duty to support the minor children, which support includes, but is not limited to, medical, hospitalization, dental and pharmaceutical insurance coverage, as well as payment of the minor children’s uninsured health related expenses.

## Father is an able-bodied person who is gainfully employed and generates sufficient funds so as to con­tribute to the support of the minor children.

## Mother is an interested party acting in good faith in bringing this action for custody and support and has insufficient means to defray the expense of the suit. Mother is entitled to an award of attorneys’ fees.

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

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

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

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

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

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

**FIRST CLAIM FOR RELIEF**

**(Child Custody and Support)**

## Mother realleges and incorporates by reference the allegations contained in paragraphs 1 through 21 as fully set forth herein.

## Pursuant to the provisions of North Carolina General Statute §50-13.1, §50-13.4 and §50-13.6, Mother is entitled to child custody and support and counsel fees, the same to be allotted, paid and secured to Mother from the property, earnings and estate of Father.

**SECOND CLAIM FOR RELIEF**

**(Postseparation Support)**

## Mother realleges and incorporates by reference the allegations contained in paragraphs 1 through 23 as fully set forth herein.

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

**THIRD CLAIM FOR RELIEF**

**(Alimony)**

## Mother realleges and incorporates by reference the allegations contained in paragraphs 1 through 25 as fully set forth herein.

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

**FOURTH CLAIM FOR RELIEF**

**(Equitable Distribution)**

## Mother realleges and incorporates by reference the allegations contained in paragraphs 1 through 27 as fully set forth herein.

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

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

## Mother 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, Mother, prays the Court for relief as follows:

1. That the Court issue and enter a Notice directing Father 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 Mother should not be awarded and granted the relief prayed for in this Complaint, including awarding and granting to Mother of temporary and permanent child support and postseparation support for the maintenance and support of Mother and minor child pending the final determination and adjudication of the merits of this action, and reasonable attorney’s fees to Mother’s counsel for legal services rendered to Mother in connection with the institution and prosecution of this action on her behalf.
2. That Mother be awarded temporary and permanent custody of the minor child/ren.
3. That Mother be awarded temporary and permanent child support for the maintenance and support of the minor child/ren, the same to be allotted, paid and secured from the property, earnings and estate of Father.
4. That Mother be awarded postseparation support for the maintenance and support of Mother 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 Father.
5. That Mother be awarded permanent alimony for the maintenance and support of Mother 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 Father.
6. That Father be ordered to continue payments of any premiums and costs associated with any life, disability, medical, dental or accident insurance presently covering Mother and minor child/ren;
7. That Father be ordered to pay reasonable attorney’s fees to Mother’s legal counsel for services rendered to Mother in connection with the institution and prosecution of this action on her behalf.
8. That the marital property accumulated by Mother and Father be equitably distributed and that Mother receive an unequal distribution in her favor.
9. That the Court enter an order requiring Father to transfer to Mother 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).
10. That Father be taxed with the costs of this action.
11. That Mother 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/Mother 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:\_\_\_\_\_\_\_\_\_\_\_\_\_