

NORTH CAROLINA  
20TH JUDICIAL DISTRICT  
COUNTY OF UNION

FORM # 14  
IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
CASE NUMBER \_\_\_\_\_  
ASSIGNED JUDGE \_\_\_\_\_

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

**EQUITABLE DISTRIBUTION  
INVENTORY AFFIDAVIT  
OF PLAINTIFF  
AND  
CERTIFICATE OF SERVICE**

**NOW COMES** the Plaintiff, or responding party, and itemizes what he/she alleges to be the marital, divisible, and separate property of the parties, as well as the marital debts of the parties, all as set out in the schedules, which are attached. Plaintiff certifies that he/she has made a full and complete disclosure of all marital and separate property known to him/her.

**This is to further certify that the undersigned has this day filed the original of this affidavit and all attachments with the Clerk, and has served a copy of this affidavit and all attachments to opposing counsel, or opposing party if unrepresented, by depositing a copy in a postpaid wrapper in a post office or official depository under the exclusive care and custody of the United States Post Office Department, properly addressed as follows:**

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

\_\_\_\_\_  
Signature: Attorney/Party/Case Coordinator

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address/Telephone Number

## Equitable Distribution Inventory Affidavit

### PURPOSE

The Plaintiff and the Defendant were married, and they accumulated some property. Now someone has asked the Judge to fairly, or equitably, divide this property.

The purpose of this affidavit is to give the Judge the information he or she will need to equitably divide the property. The Judge will need to know this information because at trial the Judge must determine the fair market value (value) of each item of property and whether each item of property is Marital or Separate (classification), and the Judge must then decide who gets each item of property (distribution).

So, you must carefully list each item of property 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 had possession of the property. List everything, and if you believe that the property is not Marital, show that the item as "Separate".

### MEANINGS

As used in these schedules, the following abbreviations have the following meanings:

**DOM** means the "date of marriage of the parties", which plaintiff contends to be \_\_\_\_\_ and which defendant contends to be \_\_\_\_\_, and which the Court finds to be \_\_\_\_\_.

**DOS** means the "date separation of the parties", which plaintiff contends to be \_\_\_\_\_ and which defendant contends to be \_\_\_\_\_, and which the Court finds to be \_\_\_\_\_.

**FMV** means "fair market value". What a willing buyer and a willing seller would pay without the need to sell.

**LIEN** means "a lien on property", whether created by a mortgage, deed of trust, security agreement, or otherwise (i.e., a debt).

**PROPERTY** means anything you can own (not just land and house, but also other things like bank accounts and retirement accounts: anything you can own).

**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 or inheritance.

**MARITAL PROPERTY** means Property that is not Separate Property, no matter whose name it is in, that either of you received between the date of your marriage and the DOS.

**SEE INSTRUCTIONS ON EACH PAGE**

**SCHEDULE I  
REAL PROPERTY AND MOBILE HOMES**

**This includes land, houses, anything permanently attached to land, and mobile homes.**

PROPERTY DESCRIPTION	VALUE		CLASSIFICATION Is the Property Marital or Separate?		POSSESSION Who has the property now?		DISTRIBUTION Who gets the property?	
	Plaintiff DOS FMV -debt owed	Defendant DOS FMV - debt owed	Plaintiff M/S	Defendant M/S	Plaintiff	Defendant	Plaintiff	Defendant
1.								
2.								
3.								

**INSTRUCTIONS:** Give property description including physical address of property, value as of the date of separation, the amount (if any) of any debt owed, indicate if the property is marital or separate, who has the property now, and who you want to have the property.

**SCHEDULE II  
MOTOR VEHICLES/BOATS**

PROPERTY DESCRIPTION	VALUE		CLASSIFICATION Is the Property Marital or Separate?		POSSESSION Who has the property now?		DISTRIBUTION Who gets the property?	
	Plaintiff DOS FMV -debt owed	Defendant DOS FMV - debt owed	Plaintiff M/S	Defendant M/S	Plaintiff	Defendant	Plaintiff	Defendant
4.								
5.								
6.								
7.								

**INSTRUCTIONS:** List year, make, and model for each vehicle, value as of date of separation, the amount (if any) of any debt, indicate if the property is marital or separate, who has it and who you want to have it.

**YOU MUST ALSO LIST ANY DEBT AMOUNT INCLUDED ON SCHEDULE I AND II ON SCHEDULE X**

**SCHEDULE III  
HOUSEHOLD FURNISHINGS, COLLECTIBLES**

		VALUE		CLASSIFICATION Is the property marital or separate? (M/S)		POSSESSION Who has the property now? (P/D)		DISTRIBUTION Who gets the property? (P/D)	
PROPERTY DESCRIPTION	ROOM OR LOCATION BEFORE DOS	Plaintiff DOS FMV	Defendant DOS FMV	Plaintiff M/S	Defendant M/S	Plaintiff	Defendant	Plaintiff	Defendant
8.									
9.									
10.									
11.									
12.									
13.									
14.									
15.									
16.									
17.									
18.									
19.									
20.									

**INSTRUCTIONS:** Describe the item as fully as possible, state the room or location the item was in before date of separation, value as of date of separation, whether the item is marital or separate, who has the property now and who you want to have the property.

**RESPONDING PARTY:** Use same corresponding numbers as the moving party, if item is not listed, please add to end of schedule.

**SCHEDULE IV  
MISCELLANEOUS PERSONAL PROPERTY  
(Tools, Guns, Lawn Equipment, Jewelry, Animals)**

		VALUE		CLASSIFICATION Is the property marital or separate? (M/S)		POSSESSION Who has the property now? (P/D)		DISTRIBUTION Who gets the property? (P/D)	
PROPERTY DESCRIPTION	ROOM OR LOCATION BEFORE DOS	Plaintiff DOS FMV	Defendant DOS FMV	Plaintiff M/S	Defendant M/S	Plaintiff	Defendant	Plaintiff	Defendant
21.									
22.									
23.									
24.									
25.									
26.									
27.									
28.									
29.									
30.									
31.									
32.									
33.									

**INSTRUCTIONS:** Describe the item as fully as possible, state the room or location the item was in before date of separation, value as of date of separation, indicate whether the item is marital or separate, who has the property now, and who you want to have the property.

**RESPONDING PARTY:** Use same corresponding numbers as the moving party, if item is not listed, please add to end of schedule.

**SCHEDULE V  
ACCOUNTS  
(Checking, Savings, CD's)**

PROPERTY DESCRIPTION	VALUE		CLASSIFICATION Is the Property Marital or Separate?		POSSESSION Who has the property now?		DISTRIBUTION Who gets the property?	
	Plaintiff DOS FMV	Defendant DOS FMV	Plaintiff M/S	Defendant M/S	Plaintiff	Defendant	Plaintiff	Defendant
34.								
35.								
36.								
37.								

**INSTRUCTIONS:** List Financial Institution Name, last 4 digits of the account number, type of account, amount as of date of separation, if it is marital or separate, who has it, and who you want to have it.

**ATTACHMENTS:** Attach the bank statement for date of separation or the statement that is closest to the date of separation for each account listed. Also attach the Certificate of Service and serve on the opposing party.

**SCHEDULE VI  
BUSINESSES AND STOCKS**

PROPERTY DESCRIPTION	VALUE		CLASSIFICATION Is the Property Marital or Separate?		POSSESSION Who has the property now?		DISTRIBUTION Who gets the property?	
	Plaintiff DOS FMV	Defendant DOS FMV	Plaintiff M/S	Defendant M/S	Plaintiff	Defendant	Plaintiff	Defendant
38.								
39.								
40.								

**INSTRUCTIONS:** List the name of business, stock company, or brokerage account, the last 4 digits of the account number, the value as of the date of separation, if it is marital or separate, who has it and who you want to have it.

**ATTACHMENTS:** Attach the statement for date of separation or the statement that is closest to the date of separation for each account listed in Schedule VI. Also attach the Certificate of Service and serve on the opposing party.

**SCHEDULE VII  
RETIREMENT  
(Pension, 401(k), Profit-Sharing, IRA, SEP)**

PROPERTY DESCRIPTION	VALUE		CLASSIFICATION Is the Property Marital or Separate?		POSSESSION Who has the property now?		DISTRIBUTION Who gets the property?	
	Plaintiff DOS FMV -debt owed	Defendant DOS FMV -debt owed	Plaintiff M/S	Defendant M/S	Plaintiff	Defendant	Plaintiff	Defendant
41.								
42.								
43.								
44.								

**INSTRUCTIONS:** List the name of the plan, address, value as of date of separation, if it is marital or separate, who has it and who you want to have it. If there is a debt against a retirement plan, you must also list on Schedule X and include copies of the loan statements.

**ATTACHMENTS:** Attach the statement for date of separation or the statement that is closest to the date of separation for each account listed in Schedule VII. Also attach the Certificate of Service and serve on the opposing party.

**SCHEDULE VIII  
LIFE INSURANCE POLICIES**

PROPERTY DESCRIPTION	VALUE		CLASSIFICATION Is the Property Marital or Separate?		POSSESSION Who has the property now?		DISTRIBUTION Who gets the property?	
	Plaintiff DOS FMV	Defendant DOS FMV	Plaintiff M/S	Defendant M/S	Plaintiff	Defendant	Plaintiff	Defendant
45.								
46.								
47.								

**INSTRUCTIONS:** List the name of the policy, the agent that currently holds the policy and agent's address, value as of date of separation, if it is marital or separate, who has it and who you want to have it. **USE THE CASH VALUE OF YOUR POLICY FOR THIS SCHEDULE.**

**ATTACHMENTS:** Attach the most recent statement for each policy that is listed. Also attach the Certificate of Service and serve on the opposing party or counsel.



**INSTRUCTIONS:** Describe the item as fully as possible, value as of date of separation, indicate if the property is marital or separate, who has it, who you want to have it.

**SCHEDULE X  
DEBTS WHICH ARE SECURED**

CREDITOR	PROPERTY SECURING DEBT	VALUE		CLASSIFICATION Is the debt marital or separate? (M/S)		POSSESSION Who is paying debt now? (P/D)		DISTRIBUTION Who will pay debt? (P/D)	
		Plaintiff DOS FMV	Defendant DOS FMV	Plaintiff M/S	Defendant M/S	Plaintiff	Defendant	Plaintiff	Defendant
66.									
67.									
68.									

**INSTRUCTIONS:** List the name and address of each creditor, the last 4 digits of the account number, state what property is the collateral for the debt, the amount of debt as of date of separation, marital or separate, who is paying now, and who you want to pay.

**RESPONDING PARTY:** Use same corresponding numbers as the moving party, if item is not listed, please add to end of schedule.

**SCHEDULE XI  
DEBTS WHICH ARE NOT SECURED**

CREDITOR	VALUE		CLASSIFICATION Is the Debt Marital or Separate?		POSSESSION Who is paying debt now?		DISTRIBUTION Who will pay debt?	
	Plaintiff DOS FMV -debt	Defendant DOS FMV -debt	Plaintiff M/S	Defendant M/S	Plaintiff	Defendant	Plaintiff	Defendant
69.								
70.								
71.								

**INSTRUCTIONS:** List the name and address of each creditor, the last 4 digits of the account number, the amount of debt as of date of separation, marital or separate, who is paying now, and who you want to pay.

**RESPONDING PARTY:** Use same corresponding numbers as the moving party, if item is not listed, please add to end of schedule.

**ATTACHMENTS FOR SCHEDULE X AND XI: Attach copies of mortgage payoff, statements, or documentation indicating debt as of date of separation. Attach statement for credit cards or other loans. Attach the Certificate of Service and serve on opposing party or counsel.**

SCHEDULE XII  
**DIVISIBLE PROPERTY**  
 Itemize on separate sheet as needed

FACTORS	PLAINTIFF CONTENTIONS	DEFENDANT CONTENTIONS
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 here appreciation or diminution in value, which is the result of post-separation actions or activities of a spouse.		
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.		
3. Passive income from marital property received after the date of separation, including, but not limited to, interest and dividends.		
4. Increases in marital debt and financing charges and interest related to marital debt.		

**SCHEDULE XIII**  
**FACTORS JUSTIFYING AN UNEQUAL DISTRIBUTION**  
**Itemize on separate sheet as needed**

FACTORS	PLAINTIFF CONTENTIONS	DEFENDANT 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 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		
(7) Any direct or indirect 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 non-liquid 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;		
(11a) 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; and		
(8, 11a, 12) Payments on marital debts since separation.		
(8, 11a, 12) Repairs or improvements to marital assets since separation.		
(12) Any other factor which the court finds to be just and proper.		
(12) Separate property was used for the purchase price of a marital asset.		
(12) Party's family paid the purchase price of a marital asset.		