Equitable Distribution Inventory Affidavit

STATE OF NORTH CAROLINA ☐ Montgomery County ☐ Moore County ☐ Randolph County	**In The General Court of Justice** **District Court Division** **Family Court** File No.
Plaintiff: **VERSUS** Defendant:	**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 Equitable Distribution Inventory Affidavit is to give the Judge the information needed to equitably divide the property. The Judge will need to know this information because at the 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). The Judge must then decide who gets each item of property (distribution).

Therefore, 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, list that item as "Separate."

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

(1) **DOM** means the "date of marriage of the parties," which the Plaintiff contends to be _____, and which the defendant contends to be _____.

(2) **DOS** means the "date of separation of the parties," which the Plaintiff contends to be _____, and which the Defendant contends to be _____.

(3) **FMV** means the "fair market value."

(4) **LIEN** means a "lien on property." Whether created by a mortgage, deed of trust, security agreement or otherwise.

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

(6) **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.

(7) **MARITAL PROPERTY** means property that is not Separate Property, not matter whose name it is in, that either of you received between the date of your marriage and the DOS.

	VERIFICATION	

_____, first being duly sworn, says that the following Equitable Distribution Inventory Affidavit with attachments is true to my own knowledge, except as to matters and things stated upon information and belief, and as to those matters and things, I verily believe them to be true.

Date	*Signature of Affiant*	☐ Plaintiff ☐ Defendant
SWORN AND SUBSCRIBED BEFORE ME THIS DATE		
Notary Public	**(Seal)**	
My Commission Expires		

SCHEDULE I
REAL PROPERTY AND MOBILE HOMES
This includes land, houses, anything permanently attached to land, and mobile homes.
Include a description of the property sufficient that the Court can identify it.

Property	*Value*			*Classification*			*Possession*			*Distribution*		
	Husband Contends the DOS FMV	Wife Contends the DOS FMV	Agreed on or Court Finding FMV	Husband Contends Marital or Separate (M or S)	Wife Contends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contends who has it? (H or W)	Wife Contends who has it? (H or W)	Agreed on or Court Finding who has it? (H or W)	Husband Contends who gets it? (H or W)	Wife Contends who gets it? (H or W)	Agreed on or Court Finding who gets it? (H or W)
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Schedule II
Motor Vehicles
Include a description of the property sufficient that the Court can identify it.

Property	*Value*			*Classification*			*Possession*			*Distribution*		
	Husband Contends the DOS FMV	Wife Contends the DOS FMV	Agreed on or Court Finding FMV	Husband Contends Marital or Separate (M or S)	Wife Contends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contends who has it? (H or W)	Wife Contends who has it? (H or W)	Agreed on or Court Finding who has it? (H or W)	Husband Contends who gets it? (H or W)	Wife Contends who gets it? (H or W)	Agreed on or Court Finding who gets it? (H or W)
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Property	Value			Classification			Possession			Distribution		
	Husband Contends the DOS FMV	Wife Contends the DOS FMV	Agreed on or Court Finding FMV	Husband Contends Marital or Separate (M or S)	Wife Contends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contends who has it? (H or W)	Wife Contends who has it? (H or W)	Agreed on or Court Finding who has it? (H or W)	Husband Contends who gets it? (H or W)	Wife Contends who gets it? (H or W)	Agreed on or Court Finding who gets it? (H or W)
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SCHEDULE III
HOUSEHOLD FUNISHINGS/COLLECTIBLES
Include a description of the property sufficient that the Court can identify it.

Property	Value			Classification			Possession			Distribution		
	Husband Contends the DOS FMV	Wife Contends the DOS FMV	Agreed on or Court Finding FMV	Husband Contends Marital or Separate (M or S)	Wife Contends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contends who has it? (H or W)	Wife Contends who has it? (H or W)	Agreed on or Court Finding who has it? (H or W)	Husband Contends who gets it? (H or W)	Wife Contends who gets it? (H or W)	Agreed on or Court Finding who gets it? (H or W)
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SCHEDULE IV
MISCELLANEOUS PERSONAL PROPERTY
(Tools, Guns, Lawn Equipment, Jewelry, Animals)
Include a description of the property sufficient that the Court can identify it.

SCHEDULE V
ACCOUNTS (Checking, Savings, CD's)
Include a description of the property sufficient that the Court can identify it.

Property	Value			Classification			Possession			Distribution		
	Husband Contends the DOS FMV	Wife Contends the DOS FMV	Agreed on or Court Finding FMV	Husband Contends Marital or Separate (M or S)	Wife Contends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contends who has it? (H or W)	Wife Contends who has it? (H or W)	Agreed on or Court Finding who has it? (H or W)	Husband Contends who gets it? (H or W)	Wife Contends who gets it? (H or W)	Agreed on or Court Finding who gets it? (H or W)
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SCHEDULE VI
BUSINESSES, STOCKS, SECURITIES AND INTANGIBLE ASSETS
Include a description of the property sufficient that the Court can identify it.

Property	Value			Classification			Possession			Distribution		
	Husband Contends the DOS FMV	Wife Contends the DOS FMV	Agreed on or Court Finding FMV	Husband Contends Marital or Separate (M or S)	Wife Contends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contends who has it? (H or W)	Wife Contends who has it? (H or W)	Agreed on or Court Finding who has it? (H or W)	Husband Contends who gets it? (H or W)	Wife Contends who gets it? (H or W)	Agreed on or Court Finding who gets it? (H or W)
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SCHEDULE VII
RETIREMENT
(Pensions, 401 (K), Profit Sharing Plans, IRAs)

Property	Value			Classification			Possession			Distribution		
	Husband Contends the DOS FMV	Wife Contends the DOS FMV	Agreed on or Court Finding FMV	Husband Contends Marital or Separate (M or S)	Wife Contends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contends who has it? (H or W)	Wife Contends who has it? (H or W)	Agreed on or Court Finding who has it? (H or W)	Husband Contends who gets it? (H or W)	Wife Contends who gets it? (H or W)	Agreed on or Court Finding who gets it? (H or W)
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SCHEDULE VIII
LIFE INSURANCE POLICIES
(Use the Case Values of your policies)

Property	Value			Classification			Possession			Distribution		
	Husband Contends the DOS FMV	Wife Contends the DOS FMV	Agreed on or Court Finding FMV	Husband Contends Marital or Separate (M or S)	Wife Contends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contends who has it? (H or W)	Wife Contends who has it? (H or W)	Agreed on or Court Finding who has it? (H or W)	Husband Contends who gets it? (H or W)	Wife Contends who gets it? (H or W)	Agreed on or Court Finding who gets it? (H or W)
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	Value			Classification			Possession			Distribution		
SCHEDULE IX **PROPERTY ACQUIRED AFTER DOS** Include a description of the property sufficient that the Court can identify it.													
Property	Husband Contends the DOS FMV	Wife Contends the DOS FMV	Agreed on or Court Finding FMV	Husband Contends Marital or Separate (M or S)	Wife Contends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contends who has it? (H or W)	Wife Contends who has it? (H or W)	Agreed on or Court Finding who has it? (H or W)	Husband Contends who gets it? (H or W)	Wife Contends who gets it? (H or W)	Agreed on or Court Finding who gets it? (H or W)
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SCHEDULE X
DEBTS THAT ARE SECURED

List your debts that are secured by a lien on property. Include the name, address, telephone number, and account number of the creditor. For each creditor, identify (the same way you did in the "property schedules") the property securing the debt.
Also, attach a copy of the documents, which show the amount of the debt.

Property	*Value*			*Classification*			*Possession*			*Distribution*		
	Husband Contends the DOS FMV	Wife Contends the DOS FMV	Agreed on or Court Finding FMV	Husband Contends Marital or Separate (M or S)	Wife Contends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contends who has it? (H or W)	Wife Contends who has it? (H or W)	Agreed on or Court Finding who has it? (H or W)	Husband Contends who gets it? (H or W)	Wife Contends who gets it? (H or W)	Agreed on or Court Finding who gets it? (H or W)
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104.												
105.												

SCHEDULE XI
DEBTS THAT ARE NOT SECURED

List your debts that are NOT secured by a lien on property. Include the name, address, telephone number, and account number of the creditor. For each creditor, identify (the same way you did in the "property schedules") the property securing the debt.
Also, attach a copy of the documents, which show the amount of the debt.

Property	*Value*			*Classification*			*Possession*			*Distribution*		
	Husband Contends the DOS FMV	Wife Contends the DOS FMV	Agreed on or Court Finding FMV	Husband Contends Marital or Separate (M or S)	Wife Contends Marital or Separate (M or S)	Agreed on or Court Finding (M or S)	Husband Contends who has it? (H or W)	Wife Contends who has it? (H or W)	Agreed on or Court Finding who has it? (H or W)	Husband Contends who gets it? (H or W)	Wife Contends who gets it? (H or W)	Agreed on or Court Finding who gets it? (H or W)
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SCHEDULE XII DIVISIBLE PROPERTY Itemize on a separate sheet as needed.				
Factors		*Husband's Contentions*	*Wife's Contentions*	*Agreed or Court Finding*
115.	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 the appreciation or diminution in value, which is the result of post-separation actions or activities of a spouse.			
116.	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.			
117.	Passive income from marital property received after the date of separation, including, but not limited to, interest and dividends.			
118.	Increases in marital debt and financing charges and interest related to marital debt.			

SCHEDULE XIII FACTORS JUSTIFYING AN UNEQUAL DISTRIBUTION Itemize on a separate sheet as needed.			
Factors	*Husband's Contentions*	*Wife's Contentions*	*Agreed on or Court Finding*
(1) The income, property, and liabilities of each party at the time the division of property is to become effective.			
(2) An 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 sell or own its household effects.			
(5) The expectation of pension, retirement or other deferred compensation rights, which 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.			
(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.			