

NORTH CAROLINA
14th JUDICIAL DISTRICT
DURHAM COUNTY

FORM 12 (Rev. 1/06)
IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
_____ -CVD- _____

	Plaintiff
-v-	
	Defendant

EQUITABLE DISTRIBUTION

**INVENTORY
AFFIDAVIT**

The undersigned affiant, after being duly sworn, says that the attached list of property and debts are all the assets and liabilities accumulated and/or owned on the date of separation (DOS) or acquired since the DOS and prior to the filing of this document to the best of my knowledge as of the date of the signing of this affidavit.

This inventory is submitted for purposes of pre-trial discovery and in no way is intended to be an exhaustive list of all assets of which I may not have knowledge. However, I certify that the following list is a full and complete disclosure of all assets and liabilities within my knowledge as of the date of submitting this inventory to the Court. The affiant also certifies that the values listed herein are estimated in good faith subject to further discovery, appraisals and my final Equitable Distribution Affidavit.

The Plaintiff and Defendant were married on the ____ day of _____, _____, and separated on or about the ____ day of _____, 20____.

This the ____ day of _____, 20____.

Name (Plaintiff or Defendant)

Subscribed and sworn to before me this
the ____ day of _____, 20____.

Notary Public
My commission expires: _____

INSTRUCTIONS TO PARTIES For completion of Equitable Distribution Inventory Affidavit

1. READ THESE INSTRUCTIONS CAREFULLY. Your inventory must be fully and accurately prepared. Submission of this inventory is required by the 14th Judicial District Court Local Rules. A copy of the Rules is available in the Trial Court Administrator's office on the 6th floor of the Durham County Judicial Building. If you are not represented by counsel, you should obtain a copy of those Rules so that you comply with them and assure that you do not prejudice your case. Your interests in this lawsuit will be harmed if your affidavit does not contain all the information required and if that information is not accurate.
2. READ THE INVENTORY FORM THOROUGHLY AND CAREFULLY. If you have any questions, or are unsure how to list certain information, ask your attorney first so that your inventory will be complete and correct before it is placed in final typed form. Failure to fully comply with these instructions may result in sanctions being imposed against you by the Court.
3. The inventory, when filed with the Clerk of Court, must be typed. Your signature must be notarized. There must be at least three typed or reproduced copies.
4. Each individual asset and/or liability must be listed separately. Further, the inventory should be completed and filed with the Clerk of Superior Court. You must list the items in the order set forth on the attached sheet entitled "Order of Assets for Inventory." You may omit sections or categories of assets that are not included in your case.
5. The purpose of this inventory is to facilitate early and accurate disclosure of all property and debts. This inventory form is the basis for your Equitable Distribution Affidavit which is required to be filed under the local rules.
6. Instruction for each Schedule should be followed. Definitions used in this form are not intended to be all-inclusive and each party should seek individual legal counsel if they need assistance. Definitions used in these forms are simply a summary of the definitions set forth in North Carolina Statutes § 50-20, but they should not be relied upon without the advice of an attorney. Each column in each schedule must be fully completed prior to filing with the court.
7. If you are given the inventory by your attorney, you should complete it and return it to him or her as soon as possible.
8. If you are not represented by an attorney, the Rules of Court apply equally to you, and it is your responsibility to fully comply with these instructions. You must file the **typed** original of your inventory with the Clerk of Superior Court, Durham County Judicial Building, 201 East Main Street, Durham, North Carolina 27701, at or before the scheduled Equitable Distribution Status Conference. You must also deliver, in person or by mail, a filed copy of the original to the attorney representing the opposing party or to the unrepresented opposing party, at/or before the scheduled Equitable Distribution Status Conference. (Please refer to the Local Rules for the 14th Judicial District Court). **THIS DEADLINE IS IMPORTANT AND FAILURE TO COMPLY WITH THE DEADLINE MAY RESULT IN THE IMPOSITION OF SANCTIONS.**
9. Intentional omissions or misstatements of fact in your affidavit will constitute perjury and may subject you to sanctions by the Court.

**ORDER OF ASSETS AND LIABILITIES FOR INVENTORY
LIST ASSETS IN THE FOLLOWING ORDER**

I. MARITAL ASSETS

- | | | |
|---|---|---|
| <p>A. Realty</p> <ol style="list-style-type: none"> 1. Residential 2. Rental 3. Commercial/Business 4. Recreational | <p>E. Artwork, Metals, & Other Collectibles</p> <ol style="list-style-type: none"> 1. Artwork 2. Gold 3. Silver 4. Firearms 5. Coins | <p>K. Business Interests</p> <ol style="list-style-type: none"> 1. Partnership Interest 2. Sole Proprietorship Interest 3. Unincorporated Association Interest 4. Closely Held Corporations 5. (includes stock) |
| <p>B. Transportation</p> <ol style="list-style-type: none"> 1. Automobiles 2. Trucks 3. Vans 4. Motorcycles 5. Boats 6. Airplanes | <p>F. Miscellaneous Notes and Income</p> <ol style="list-style-type: none"> 1. Producing Assets 2. Promissory Notes 3. Annuities 4. Interest in Trust | <p>L. Household Goods</p> <ol style="list-style-type: none"> 1. Furniture (including Antiques) 2. Pictures, Prints and Other wall hangings 3. Appliances (including dishwasher, washing machine/dryer, etc.) 4. Electronics (including TV, radio, stereo, etc.) 5. Linens 6. Books 7. Kitchen Utensils 8. Outdoor Furniture 9. Sporting Goods 10. Tools 11. Lawnmowers |
| <p>C. Stocks and Bonds</p> <ol style="list-style-type: none"> 7. Stocks - publicly traded 8. Bonds and Debentures 9. Mutual funds 10. Stock – options 11. Stocks 12. Futures | <p>G. Silver, China and Crystal</p> | <p>Cash Value Life Insurance</p> |
| <p>D. Bank Accounts & IRA Accounts</p> <ol style="list-style-type: none"> 1. Checking accounts 2. Savings accounts 3. IRA accounts 4. Certificates of deposit 5. Cash in hand or held by another | <p>H. Jewelry</p> | <p>M. Vested Pension & Retirement Account</p> <ol style="list-style-type: none"> 1. Defined Benefit Plan 2. Defined Contribution Plan 3. Profit Sharing |
| | <p>I. Animals</p> <ol style="list-style-type: none"> 1. Dogs 2. Cats 3. Horses 4. Cattle 5. Other | |
| | <p>J. Intellectual Properties</p> <ol style="list-style-type: none"> 1. Inventions & Trade Secrets 2. Copyrights & Patents 3. Trademarks & Trade Names | |

TABLE OF SCHEDULES

Schedule I:	Marital Assets
Schedule II:	Unsecured Marital Debts
Schedule III:	Separate Assets
Schedule III-A:	Active Increase in Value of Separate Property Prior to Date of Separation (hereinafter DOS)
Schedule IV:	Separate Debts
Schedule V:	Divisible Property
Schedule V-A:	Passive Increases and Decreases to Value of Marital Property
Schedule V-B:	Commissions, Bonuses, Property, Etc., Received after DOS but Earned Prior to DOS
Schedule V-C:	“Passive” Income Received after DOS From Marital Property
Schedule V-D:	Post DOS Increases to Marital Debt, Financing Charges and Interest Charges
Schedule VI:	Property Acquired after Separation
Schedule VII:	Post-Separation Disposal of Marital Property
Schedule VIII:	Post-Separation Reduction of Marital Debt
Schedule IX:	Contributions to Separate Property of Other Spouse

SCHEDULE III: SEPARATE ASSETS

“Separate property” does not include property acquired after the date of separation. This category includes property owned by you as of the date of marriage if you still own it as of the date of separation and it is not marital property but is property that was inherited, owned by one party prior to the marriage, or given to one party as a gift during the marriage by a third party who is not a spouse.

	Description of Asset	Basis for Separate Classification	Possession (H/W)	DOS Net FMV (FMV less Debt or Liens)
	Example: 1965 Ford car	Owned prior to marriage	Husband	\$10,000.00

**SCHEDULE III-A
ACTIVE INCREASE IN VALUE OF SEPARATE PROPERTY
PRIOR TO DATE OF SEPARATION**

If you contend that any separate property owned by the other party has actively increased in value (for example, because of your efforts or your spouse’s efforts, or the efforts of both of you) during the course of the marriage and prior to the date of separation, then complete the following schedule.

	Description of Asset	Owner of Asset	Net FMV at DOM	Net FMV at DOS	Amount of Active Increase
	Example: 1965 Ford car	Husband	\$5,000.00	\$10,000.00	\$5,000.00

SCHEDULE IV. SEPARATE DEBTS

List all debts that you have not previously listed as separate debts.

	Name & Address of Creditor, Account Number	Name(s) of person listed on the debt	Basis for Separate Classification	Pre-marital Balance	DOS Balance
	Example: First Union Bank, 1234 First Street Durham, North Carolina Acct. No. 1234	Ms. Mary Smith	Borrowed after the DOS	\$0.00	\$0.00

SCHEDULE V: DIVISIBLE PROPERTY

INSTRUCTIONS: Use this section of the affidavit to list “divisible property,” which is all real and personal property that falls within the following four categories:

SCHEDULE A: List here all “passive” increases and decreases in value to marital property that occurs after the date of separation (DOS) and prior to the date of distribution (DOD). Increases and decreases in value that are attributable to the efforts of actions of you or the other party are “active” and should not be listed here. For example, the increase in the value of a marital home after DOS and prior to DOD is normally a “passive” increase because it is usually due to market forces and conditions. If that is the case, the increase would be listed here as divisible property. However, if the increase in the value of the home is due to one of the party’s efforts to renovate the home with post-separation funds following DOS, then the increase is “active” and the increase in value should not be listed here.

SCHEDULE B: On this schedule you should list items such as commissions, bonuses, contractual payments, property, or property rights that were received by either party after DOS but prior to DOD, and were acquired as a result of efforts of either spouse during the marriage and prior to DOS. For example, a party may have earned an employment bonus prior to DOS, but the bonus was not actually paid until after DOS. The bonus would be “divisible property” and would be properly listed below. However, bonuses, commissions and other post-separation payments or transfers that were earned after DOS would not be divisible property and should not be listed as such.

SCHEDULE C: Use this schedule to list “passive” income from marital property received or accrued after DOS, including but not necessarily limited to interest and dividends. Do not list contributions of funds made after DOS from funds earned after DOS.

SCHEDULE D: Use this schedule to list any increases in marital debt, financing charges and interest related to marital debt that occurred after DOS and prior to DOD. You should not list any debts that were incurred after DOS nor financing charges and/or interest related to such post-separation debts.

**SCHEDULE V-A
PASSIVE INCREASES AND DECREASES TO VALUE OF MARITAL PROPERTY**

For any asset or item of marital property which you listed previously, list the asset and the increase or decrease in value since DOS. List any decreases in value in parentheses.

	Item of Marital Property	Reason for Passive Increase or Decrease	Amount of Increase or (Decrease) after DOS	Net Value of Item Now
	Example: House and Lot 23, Smith Level Road, Durham, NC	Replaced Deck after DOS	\$5,000.00	\$125,000.00 <u>-\$25,000.00</u> \$100,000.00

**SCHEDULE V-B
COMMISSIONS, BONUSES, PROPERTY, ETC. RECEIVED AFTER
DOS BUT EARNED PRIOR TO DOS**

	Description of Item	Received by H/W or Joint	Date Received	Amount Received
	Example: Bonus check, May 5, 2000	Husband	May 5, 2000	\$500.00

**SCHEDULE V-C
“PASSIVE” INCOME RECEIVED AFTER DOS FROM MARITAL PROPERTY
(e.g., interest and dividends etc.)**

	Description of Item	Received by H / W or Joint	Date Received	Amount Received
	Example: JJS Stock Dividends Acct. No.12345	Wife	May 15, 2000	\$200.00

**SCHEDULE V-D
POST DOS INCREASES TO MARITAL DEBT, FINANCING
CHARGES, AND INTEREST CHARGES**

This schedule should be completed with reference back to the list of marital debts set out previously. For example, if you listed a charge card as a marital debt and the balance due has increased since DOS, you should identify that debt and increase here. Please keep all debts listed in a consistent order.

	Description of Debt	DOS Balance	Current Balance	Reason for Increase
	Example: All State Credit, 123 Smith Road, Durham, N.C. 27701, Acct. No.123456	\$500.00	\$525.00	Finance charges

**SCHEDULE VI:
PROPERTY ACQUIRED AFTER SEPARATION**

List here property acquired by you with funds acquired by you after the date of separation and which is your property. Property acquired after separation with marital funds or in exchange for marital property is marital property and should be listed on the marital property schedule with an appropriate explanation.

	Description of Item	Source of Funds Used to Acquire Property	Amount Paid to Acquire Property
	Example: 1999 Ford Ranger	Borrowed money and payments are coming from weekly paychecks	\$15,000.00

**SCHEDULE VII:
POST-SEPARATION DISPOSAL OF MARITAL PROPERTY**

List all marital assets which have, since date of separation, been totally or partially sold, transferred, consumed, or destroyed, by you or by the other party, including but not limited to: sale of property, withdrawal of funds from accounts, and purposeful or negligent destruction of property. Identify the amount of money or other consideration resulting from the disposal, who effected the disposal (H,W or Joint) and what has been done with the net proceeds, if any (i.e., debts paid, other property acquired). If the property was used to pay marital debts, you should indicate that on the appropriate schedule. If the property was used to acquire other property after DOS, the newly acquired property may still be marital property and should be identified on this affidavit.

	Description of Item	Reason for Disposal of Marital Property and Who Disposed of Property	Money or Other Consideration Received	Use of Proceeds
	Example: Television	Sold, Wife sold	\$500.00	Paid bills

**SCHEDULE VIII:
POST-SEPARATION REDUCTION OF MARITAL DEBT**

List payments you have made on marital debt since the date of separation. List each debt by using the number you used on prior schedules. You should have listed the balance on such debts as of DOS on the prior schedules; therefore, there is no need to list the DOS balance here.

	Marital Debt as Identified Prior	Dollar Amount of Payments Made by You since DOS	Source of Funds for Payments Made by You	Balance Owed Now
	Example: All State Credit 123 Smith Road, Durham N.C. 27701, Acct. No. 123456	\$100.00 as of 1/31/01	Paychecks received since DOS	\$500.00

**SCHEDULE IX:
CONTRIBUTIONS TO SEPARATE PROPERTY OF OTHER SPOUSE**

If there was an increase in value during the course of your marriage of an item claimed by the other party as 'separate property' and you claim you make a direct contribution to the increase in value of that item during the marriage, answer the following:

	Description of Item	What is the amount of your contributions, or how much did your contributions add to the value of the asset:	Detailed Explanation of Your Contributions
	Example: House and Lot at 1234 Rise Level Road, Durham, NC	\$20,000.00	I helped to remodel the whole house and we purchased all supplies to do the remodeling

CERTIFICATE OF SERVICE

I, _____, the undersigned (attorney / party), do hereby certify that a copy of the foregoing Equitable Distribution Inventory was served on _____ in the following manner:

- by hand delivery; or
- by depositing a copy of same in the United States Mail, postage prepaid, in the manner and form prescribed in the North Carolina Rules of Civil Procedure and addressed to:

- by certified mail.

This is the ____ day of _____, 20____.

Signature of Plaintiff or Defendant or his/her respective attorney