

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

DISTRICT COURT DIVISION

_____ COUNTY

_____ CVD _____

Plaintiff,

**EQUITABLE DISTRIBUTION
AFFIDAVIT OF THE**

vs.

(Plaintiff/Defendant)

Defendant.

THE AFFIANT, being duly sworn and under oath as shown below, states as follows:

1) That I am filing with the Court, as required by its Rules, this affidavit for its use in entering final Judgment of equitable distribution of marital property.

2) That this affidavit consists of this sheet and the attached _____ pages.

3) That I have read and understand the "Instructions" which accompanied this affidavit, and the information contained in this affidavit is true, accurate, and complete.

4) That in this Affidavit I have made a full and complete disclosure of all marital and separate property known to me.

This the _____ day of _____, 19____.

Signature

(Type or Print Name)

Sworn to and subscribed before me this
____ day of _____, 19____.

Signature

Title

FORM G (New 1992)

INSTRUCTION TO PARTIES

For completion of Equitable Distribution Financial Affidavit

1. **READ THESE INSTRUCTIONS CAREFULLY.** The affidavit must be fully and accurately prepared. Your interests in this lawsuit will be harmed if your affidavit does not contain all the information required and is not **accurate**. Do not guess or estimate as to figures or dates.
2. If you have questions, or are unsure how to list certain information, ask your attorney first so that your affidavit will be complete and correct before it is placed in final typed form. Failure to fully comply with these instructions may result in your affidavit not being allowed into evidence by the Court.
3. The affidavit, when filed with the Clerk of Superior Court, must be **typed**. There must be at least three copies.
4. Each individual item must be listed separately.
5. Only "marital property" should be listed in Part I. Be certain that you understand from your attorney what is and is not "marital property".
6. Only "separate property" should be listed in Part II. Be certain that you understand from your attorney what is and is not "separate property."
7. The next page of these instructions is a list of different categories of property. **YOUR LISTING MUST FOLLOW THE ORDER ON THE NEXT PAGE.** For example, under "Realty," you would list your residence first, under category A. Then list any and all rental property you own under category B.
8. When you list household goods under Part V, give as complete a description as possible. For example, under "Furniture," do not list living room suit. Instead list blue sofa, blue chair, coffee table and 2 end tables. Take several pages if necessary, and group the furniture by the way it was arranged in the rooms in your marital residence, before separation.

9. If you need more sheets than originally given, obtain more from your attorney. Do not fill blank sheets out on your own and attach them to the sheets provided you.
10. Remember to accurately compute the "Total" in the columns that require a total.
11. When you are given the affidavit by your attorney, you should complete it and return it to him or her as soon as possible.
12. 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 affidavit with the Clerk of Superior Court, at least ten (10) days prior to the date your case is set for pretrial conference in Court. You must also deliver, in person or by mail, a filed copy of the original to the attorney representing the opposing party at least ten (10) days prior to the date your case is set for a pretrial conference in court. THIS DEADLINE IS IMPORTANT.
13. Omissions or misstatements of fact in your affidavit constitute perjury and may subject you to sanctions by the Court.

ITEM

DESCRIPTION OF ASSET

- I. Realty
 - A. Real Property - Residence
 - B. Real Property - Rental
 - C. Real Property - Commercial/Business
 - D. Real Property - Recreational
 - E. Real Property - Time Share
 - F. Real Property - Other

- II. Transportation
 - A. Automobiles
 - B. Trucks
 - C. Vans
 - D. Motorcycles
 - E. Boats
 - F. Airplanes
 - G. Other

- III. Bank Accounts
 - A. Checking Accounts
 - B. Savings Accounts
 - C. Certificates of Deposit
 - D. Cash in hand or held by another
 - E. Other

- IV. Business Interests
 - A. Partnership Interest
 - B. Sole Proprietorship Interest
 - C. Unincorporated Association Interest
 - D. Other

- V. Household Goods

- A. Furniture (including antiques)
 - B. Pictures, prints and other wall hangings
 - C. Appliances (including dishwasher, washing machine, dryer, etc.)
 - D. Electronics (including TV, radio, stereo, etc.)
 - E. Linens
 - F. Books
 - G. Kitchen Utensils
 - H. Outdoor Furniture
 - I. Sporting Goods
 - J. Tools
 - K. Lawn mowers
 - L. Other
- VI. Any Other Item Not Listed Above

AFFIDAVIT OF: (Husband) (Wife) / (Plaintiff) (Defendant)

SUMMARY

NOTE: This page is a summary of the values given in the rest of the Affidavit. Complete this page after the rest of the Affidavit is completed. Do not omit or leave this page blank.

PART I: MARITAL PROPERTY

OF	NET FMV OF	NET FMV
PROPERTY	PROPERTY AT DATE	
<u>CATEGORY</u>	<u>OF SEPARATION</u>	<u>AT</u>
<u>PRESENT</u>		
I. Realty	\$ _____	\$ _____
II. Transportation	_____	_____
III. Bank Accounts	_____	_____
IV. Business Interests	_____	_____
V. Household Goods	_____	_____
VI. Any Other Item Not Listed Above	_____	_____

Total Net FMV - Marital Property

\$ _____

\$ _____

PART II: SEPARATE PROPERTY

Total Net FMV - Separate Property

\$ _____

\$ _____

FORM G

G-1

AFFIDAVIT OF: (Husband) (Wife) / (Plaintiff) (Defendant)

I. REALTY

Description of Asset and Location (incl. Category Letter)	Title Owner H/W or Jt	Orig. Price	Net FMV on dt/sep (FMV less debt or liens)	Net FMV at Present (FMV less debt or liens)	Proposed Dist. H/W

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TOTAL NET FMV
Date of Sep.

TOTAL NET FMV
Present

\$ _____

\$ _____

FORM G

G-2

AFFIDAVIT OF: (Husband) (Wife) / (Plaintiff) (Defendant)

II. TRANSPORTATION

Description of Asset and Location (incl. Category Letter)	Title Owner H/W or Jt	Orig. Price	Net FMV on dt/sep (FMV less debt or liens)	Net FMV at Present (FMV less debt or liens)	Proposed Dist. H/W

TOTAL NET FMV
Date of Sep.

TOTAL NET FMV
Present

\$ _____

\$ _____

FORM G

G -3

Date of Sep.

Present

\$ _____

\$ _____

FORM G

G-4

AFFIDAVIT OF: (Husband) (Wife) / (Plaintiff) (Defendant)

IV. BUSINESS INTERESTS

NOTE: Include whether incorporated, sole proprietorship, partnership, joint venture, etc. in Description.

Description of Asset and Location (incl. Category Letter)	Title Owner H/W or Jt	Orig. Price	Net FMV on dt/sep	Net FMV at Present	Proposed Dist. H/W

TOTAL NET FMV
Date of Sep.

TOTAL NET FMV
Present

\$ _____

\$ _____

FORM G

G-5

AFFIDAVIT OF: (Husband) (Wife) / (Plaintiff) (Defendant)

V. HOUSEHOLD GOODS

NOTE: Using this form only, use as many additional pages as necessary to list, item by item, all household goods. List all marital property, not just personal property that is in your possession. Do not list items previously listed.

Description of Asset and Location (incl. Category Letter)	Title Owner H/W or Jt	Orig. Price	Net FMV on dt/sep (FMV less debt or liens)	Net FMV at Present (FMV less debt or liens)	Proposed Dist. H/W

--	--	--	--	--	--

TOTAL NET FMV

Date of Sep.

\$ _____

G-6

TOTAL NET FMV

Present

\$ _____

FORM G

AFFIDAVIT OF: (Husband) (Wife) / (Plaintiff) (Defendant)

VI. ANY OTHER ITEM NOT LISTED ABOVE

Description of Asset and Location (incl. Category Letter)	Title Owner H/W or Jt	Orig. Price	Net FMV on dt/sep (FMV less debt or liens)	Net FMV at Present (FMV less debt or liens)	Proposed Dist. H/W

TOTAL NET FMV
Date of Sep.

\$ _____

TOTAL NET FMV
Present

\$ _____

FORM G

G-7

AFFIDAVIT OF: (Husband) (Wife) / (Plaintiff) (Defendant) _____

VESTED PENSION OR RETIREMENT ACCOUNTS
(Including IRA accounts and deferred compensation benefits)

Complete a separate sheet for each account or plan.

Complete the following concerning all VESTED pension or retirement rights (including IRA accounts or deferred compensation benefits) which are marital property and which you now receive or expect to receive. Complete this section in consultation with your attorney. You must complete either Part A or B. You may complete Parts A and B if you wish the Court to have available to it both types of valuation information. For the Part(s) you complete, **do not** leave any column blank.

PLAN:

Full name of retirement plan, IRA account or deferred compensation benefit plan with name and address of plan or account administrator and account number:

PART A

"Present Value" as of Date of Separation: \$ _____

Name and address of expert who computed "Present Value":

- OR -

PART B

How paid (weekly, monthly, etc.):

Amount paid/or to be paid (in known)

\$ _____

Month and year participation began:

Number of months you participated in this retirement plan during the marriage (from date of marriage until date of separation).

Total number of months you participated in this retirement plan:

Are you currently in this plan?

FORM G

G-8

AFFIDAVIT OF: (Husband) (Wife) / (Plaintiff) (Defendant)

VII. SEPARATE PROPERTY

List all real or personal property which is your separate property. This does not include property acquired after separation. This means property owned by you as of the date of separation which is not marital property and was not listed in Part I of this Affidavit.

Description of Asset and Location (incl. Category Letter)	Date Acquired	Orig. Price	Net FMV on dt/sep (FMV less debt or liens)	Net FMV at Present (FMV less debt or liens)

--	--	--	--	--

TOTAL NET FMV
Date of Sep.

TOTAL NET FMV
Present

\$ _____

\$ _____

FORM G

G-9

AFFIDAVIT OF: (Husband) (Wife) / (Plaintiff) (Defendant) _____

A. Have you been married prior to your marriage to the opposing party in this case?

If so, what support obligations do you now have arising out of that marriage?

B. State the date of marriage and number of years married to the opposing party:

Date: _____ years

State your present age and date of birth:

Age: _____, 19__

Name and describe all physical or mental disorders, illnesses, diseases or conditions which you now have:

C. Do you have custody of any children born of your marriage to the opposing party?

If so, do you want and need to own or occupy the marital residence and to use or own its household effects?

If so, state reasons (you may refer to complaint/answer in existing case file):

D. Complete the following concerning all non-vested pension or retirement rights which are separate property and which you will receive or expect to receive. Complete this section in consultation with your attorney. Do not leave any space blank.

Full name of retirement plan with name and address of Plan Administrator:

Month and year you began participation in this plan: _____

Are you currently in this plan? _____

Total of your Individual Contributions to this plan
as of date of separation: _____

AFFIDAVIT OF: (Husband) (Wife) / (Plaintiff) (Defendant)

Other relevant information: _____

(Leave blank; for use by Court only)

E.

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F. Did you, by direct or indirect contribution, help education or develop the career potential of the other spouse?

If so, describe in detail:

G. If there was an increase in value during the course of your marriage of an item claimed by the opposing party as "Separate Property," did you make a direct contribution to that increase in value?

If so, complete the following:

Description of

Property: _____

Amount of your contributions to increase in value: \$ _____

Time of your contribution: _____

Detailed Explanation:

FORM G

G-11

AFFIDAVIT OF: (Husband) (Wife) / (Plaintiff) (Defendant)

H. Complete the following concerning all marital debts. These are debts which were incurred during the marriage and before the date of separation and which were unpaid as of the date of separation.

Using this form only, use as many additional pages as are necessary to list all marital debts.

Name and Address of Creditor	Mo/Yr Incurred	Exact Amt Owed: (a)* (b)**	Reason Incurred	Secured by Lien on Property? Describe:
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(a) \$

(b) \$

(a) \$

(b) \$

(a) \$

(b) \$

(a) \$

(b) \$

(a) \$

(b) \$

(a) \$

(b) \$

(a) \$

(b) \$

Totals: (a) \$

(b) \$

*(a) Date of Separation

** (b) Currently

FORM G

G-12