

**INSTRUCTIONS FOR COMPLETION OF
EQUITABLE DISTRIBUTION INVENTORY AFFIDAVIT**

1. **Definitions.** The following terms shall have the following meaning for purposes of these instructions:

- A. ***“Clerk”*** means the Clerk of the Superior Court of the county in which the claim for equitable distribution has been filed.
- B. ***“Date of separation”*** means the date that you and your spouse actually began living separate and apart from each other.
- C. ***“Divisible property”*** shall have the meaning ascribed in NCGS §50-20(b)(4).
- D. ***“Initiating party”*** means the spouse who first filed a claim for equitable distribution.
- E. ***“Marital debt”*** means a debt incurred during the marriage and prior to the date of separation for the joint benefit of you and your spouse.
- F. ***“Marital property”*** shall have the meaning ascribed in NCGS §50-20 (b)(1).
- G. ***“Responding party”*** means the spouse against whom the first claim for equitable distribution was filed.
- H. ***“Separate debt”*** means a debt incurred before marriage or a debt incurred during the marriage and prior to the date of separation for the benefit of one spouse only.
- I. ***“Separate property”*** shall have the meaning ascribed in NCGS §50-20(b)(2).

2. **Cover page.** You must fill in all the blanks on the cover page and sign said page before a notary public after you have completed all the lists.

3. **Lists.** The lists must be completed in accordance with these instructions:

- A. The lists should be completed and attached to the cover page in the following order (i) list of marital property, (ii) list of divisible property, (iii) list of plaintiff’s separate property, (iv) list of defendant’s separate property, (v) list of marital debts, (vi) list of plaintiff’s separate debts, and (vii) list of defendant’s separate debts.
- B. You must list each item of property or debt on the appropriate list, e.g. all items of marital property would be listed on the marital property list.

- C. Each item of property or debt must be sequentially numbered, e.g. the first item of marital property listed on the list of marital property would be item number 1 and the last item of debt listed would be 248 if, for example, there were 248 items of property and debt.
- D. If you are the responding party, you must use the same number assigned to an item of property or debt by the initiating party. If you want to list additional items of property or debt, you should sequentially number each such item and place said item on the appropriate list, e.g. if the initiating party listed 125 items of marital property and 249 total items and you wished to list 5 additional items of marital property, you would list those items on your list of marital property and number them sequentially starting with 250 and ending with 254. If you contend that an item of property or debt did not exist on the date of separation or dispute its classification, you must set forth your contentions on the appropriate list using the number assigned to the item by the initiating party.

4. **Filing requirement.** After you have completed your affidavit and signed it before a notary public, you must file it with the clerk.

5. **Service requirement.** After you have completed your affidavit and signed it before a notary public, you must mail a copy of your affidavit to the opposing party or, if he or she is represented by an attorney, to his or her attorney, by first-class mail.

6. **Deadlines.** If you are the initiating party, you must file your completed affidavit and serve a copy thereof on the opposing party or his or her counsel within sixty (60) days after you file your claim for equitable distribution. If you are the responding party, you must file your completed affidavit and serve a copy thereof on the opposing party or his or her counsel within thirty (30) days after you receive the initiating party's affidavit.

7. **Sanctions.** *Failure to comply with these instructions may result in sanctions being imposed against you so it is imperative that you understand these instructions or retain competent counsel to assist you.*