

EQUITABLE DISTRIBUTION INVENTORY SCHEDULES INSTRUCTIONS APPENDIX C, FORM 11

The form attached hereto, ED Inventory Schedules, Form 11, is to be used in Equitable Distribution cases involving large, diverse and complex marital estates. It consists of Schedules A through L. In these cases, separate affidavits by each party are required. All of the applicable Schedules of property must be attached to the Inventory Affidavit (Appendix C, Form 9). A final copy of the appropriate schedules must be attached to and made a part of the final Pretrial Order. These schedules shall be used to identify items of property at trial and in the final Judgment.

In completing the Inventory Schedules, the following instructions apply:

The initiating party must complete the applicable Inventory Schedules based upon their best understanding, attach them to their Inventory Affidavit (Appendix C, Form 9), and serve the document on the responding party within sixty (60) days of filing the initiating pleading.

The responding party, using the same schedules, or copies thereof, must state their contentions for the items shown and, if appropriate move items to any other applicable Schedule. The responding party must add items not listed by the initiating party along with their contentions about those items on the appropriate Schedule (or additional Schedule where necessary). The responding party must attach the Schedules as amended to their Inventory Affidavit (Appendix C, Form 9), and serve it on the initiating party within thirty (30) days of receipt.

The initiating party, using the same schedules, or copies thereof, then must state their contentions with regard to any added items. The initiating party must add any remembered but omitted items along with their contentions about those items, adding any necessary applicable Schedules. The initiating party serves the response within twenty days of receipt. In like manner, responses are to be served back and forth every ten (10) days until all items of property and contentions arising therefrom are listed.

After the first Affidavits, the Worksheet remains a preliminary negotiation document until it is included in the final Pretrial Order. [NOTE: Parties remain, however, subject to impeachment upon their stated positions in the Original Inventory Affidavit.]

In filling in the information required by the Schedules, once an item has been numbered, the number remains assigned to the item in all subsequent lists (even though the sequence of the numbers is thrown off).[If, for example, Item #3, the “house” is moved from Schedule A (“Marital Property: Agree on Value and Distribution”) to Schedule D (“Marital Property: Disagree on Value and Distribution”) by one party, the “house” remains Item #3 on Schedule D, even though the items on Schedule A appear as Items 1,2,4,....]

Ordinarily, the initiating party would list all known property sequentially. If the responding party adds any items of property, the first item number should follow the last item number listed by the initiating party and proceed sequentially regardless of which schedule it appears on. [If the initiating party has listed fifty (50) items of property, the responding party’s additional property would start with Item #51 on the first schedule to which it should be added, regardless of sequence within the schedule.]

At any time that an issue as to an item of property is resolved, it should be moved from the previous schedule and be added (keeping its original number) to the new appropriate schedule. [If, for example, Item #13, “blue china bowl on hall table” was on Schedule D (“Marital Property: Disagree on Value and Distribution”) and the parties agree that it should be distributed to “Wife”, then Item #3 should be removed from Schedule D and added to Schedule B (“Marital Property: Agree on Distribution; Disagree on Value”)].