

EQUITABLE DISTRIBUTION WORKSHEET INSTRUCTIONS

The form attached hereto is the preferred form to be used in Equitable Distribution actions. This form will be used in lieu of separate affidavits by each party, and may be made a part of the Pretrial Order doing away with most of the "Schedules." This document, or one similar in form to it, shall be used to identify items of property at trial, and will be the form used to identify property, in the Final Judgment. Until the final Pretrial Order is prepared and ready for filing, the parties may use, if legible, handwritten working copies. **Each party must fill in all blocks in the appropriate columns, otherwise they may be admitting the contention of their opponent when the block is empty in Pre-Trial Order.**

Although most of the form is fairly self-explanatory, the following are the directions for completing it, and the procedure to be used by the parties.

- Item # - *Once assigned, remains the number for that item in all documents throughout the case.*
- Description - *A brief and accurate description, please.*
- M/S/D - *Your contention as to classification of the property as M-marital, S-separate, or D-divisible. Husband should use only "H" column, and wife should only use "W" column.*
- Value
H W - *The value is the value at the date of separation for marital property, or the value on the date of distribution for divisible property. If property is security for an outstanding debt, the debt should be shown immediately as the next item of property as a negative number. Regular unsecured debt should also be shown as property as a negative number. Again, use the appropriate column for your value.*
- Poss
H W - *Possession of the property as of the date of hearing. Place the initial (H or W) in the appropriate columns. Be sure to use the appropriate column for your contention.*
- Dist
H W - *Your contentions as to whom should receive the actual property for both marital and divisible property, in the appropriate column.*
- NOTES - *For either party's use, however, the court should be furnished a copy with these spaces blank at the Pretrial Conference, and the "final" Worksheet attached to the Pretrial Order **must** have these spaces blank.*

The initiating party completes the Worksheet and serves a copy on their opponent by the date specified by the 17A Local Rules. Extensions of time to do this must be by written stipulation, or by Court Order for good cause shown. The responding party on the same document, or a copy, states their contentions for the items shown and may add items not set out by the initiating party, and then serves the Worksheet on the initiating party by the date set out in the 17A Local Rules. The same rule applies for extensions of time. The initiating party then states their contentions on the worksheet as to added items and serves a copy on the responding party as set out in the 17A Local Rules. The Worksheets remains a preliminary negotiation document, subject to modification, until it is included in the Pretrial Order. The parties will still need to attach Schedule A as to what issues the Court will decide and their contentions as to equal vs. unequal distribution, if any. Be sure to bring a clean copy as to "NOTES" to the Pretrial Conference for the Court. Please note the final Pretrial Order must be typed.

Please remember, it is still the responsibility of the party instituting the claim for equitable distribution to initiate the process of exchanging information through the use of the worksheet, and although the worksheet contains more information than required by the exchange of affidavits, like the affidavits the information is not binding on the parties until made apart of the Pre-Trial Order. All time deadlines contemplated by the statutes for exchange of affidavits will be same when using the worksheet.

Please refer to the 17A Judicial District Local Rules for Equitable Distribution Mediation.