

INSTRUCTIONS TO PARTIES FOR COMPLETION OF EQUITABLE DISTRIBUTION INVENTORY

1. **READ THESE INSTRUCTIONS CAREFULLY.** Your Inventory must be fully and accurately prepared. Submission of this Inventory is required by the Halifax County Family Court Domestic Rules. If you are not represented by counsel, you may obtain a copy of the Domestic 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 Inventory does not contain all the information required and if that information is not accurate. If you are not represented by an attorney, the Halifax County Family Court Domestic Rules apply equally to you, and it is your responsibility to fully comply with these instructions.
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 served on the opposing party or attorney, must be typed or written legibly in ink and must substantially conform to this form. **Your signature must be notarized.**
4. With regard to the mechanics of filling out the Inventory, on each page you need to complete the information asked for on each page, including putting a check mark beside Plaintiff if you are the plaintiff or by the Defendant if you are the defendant. You also need to write in your **Date of Marriage beside the “DOM”** and write in your **Date of Separation beside “DOS.”**
5. Each individual item must be listed separately. You must list the items under the appropriate categories as set forth in the “Schedules.” If you have additional property that needs to be listed on a particular schedule, please add additional pages as necessary to give complete information about your property. You may omit sections or categories of assets that are not included in your case.
6. The moving party must deliver, in person or by mail, a copy of the original, typed or legibly written in ink Equitable Distribution Inventory on the attorney representing the opposing party or to the opposing party directly if he/she is representing him/herself no later than 90 days following the filing of the complaint/claim for equitable distribution. The responding party shall serve his/her Equitable Distribution Inventory within 30 days of receipt of the moving party’s Inventory. **THESE DEADLINES ARE IMPORTANT AND FAILURE TO COMPLY WITH THE DEADLINES MAY RESULT IN THE IMPOSITION OF SANCTIONS.** This Inventory and the Certificate of Service at the end of this document shall be filed with the Court.
7. **THIS INVENTORY MUST BE COMPLETED BY BOTH PARTIES AND THE SAME FORM IS TO BE USED BY BOTH PARTIES.** In addition to serving the opposing counsel (or party, if not represented) with a hard copy of the completed Inventory via personal delivery or mail, the moving party **may** also submit a completed Inventory to opposing counsel (or party, if not represented) electronically by e-mail or by service of a disk or CD, if an e-mail address is not known or available. The responding party must complete the Inventory served by the moving party within the time prescribed by these instructions. Following completion, the responding party shall serve the moving party with a hard copy of the completed Inventory via personal delivery or mail, as well as submitting the completed Inventory electronically by e-mail or by service of a disk or CD, if an email address is not known or available.
8. The second party to serve their Inventory must follow the same order of listing the assets as the original filing party and must list each item under the appropriate category as set forth in the “Schedules.” If the first party fails to list an asset/debt on their Inventory, the second party would list the “missing” item at the bottom of the list, on that schedule. A failure to sequentially follow the classification scheme will result in the Court and counsel needlessly consuming time as they compare the Plaintiff’s and Defendant’s Inventories for information containing the same asset. Under the “**Additional Comments**” section list out any information that you feel is relevant and should be considered by the Court regarding the asset/debt relating to the classification, value or distribution of each item of property or debt. (For example, if you claim

the described property purchased is your separate property.)

9. The following are the statutory **definitions for “Marital,” “Separate,” and “Divisible” Assets:**
- a. **“Marital property”** means all real and personal property acquired by either spouse or both spouses during the course of the marriage and before the date of the separation of the parties, and presently owned, except property determined to be separate property or divisible property. Marital property also includes all vested and nonvested pension, retirement, and other deferred compensation rights, and vested and nonvested military pensions eligible under the Federal Uniformed Services Former Spouses’ Protection Act. It is presumed that all property acquired after the date of marriage and before the date of separation is marital property except property which is separate property.
 - b. **“Separate property”** means all real and personal property acquired by a spouse before marriage or acquired by a spouse by bequest, devise, descent, or gift during the course of the marriage. However, property acquired by gift from the other spouse during the course of the marriage shall be considered separate property only if such an intention is stated in the conveyance. Property acquired in exchange for separate property shall remain separate property regardless of whether the title is in the name of the husband or wife or both and shall not be considered to be marital property unless a contrary intention is expressly stated in the conveyance. The increase in value of separate property and the income derived from separate property shall be considered separate property. All professional licenses and business licenses which would terminate or transfer shall be considered separate property.
 - c. **“Divisible property”** means all real and personal property as set forth below:
 - i. All appreciation and diminution in value of marital property and divisible property of the parties occurring after the date of separation and prior to the date of distribution, except that appreciation or diminution in value which is the result of post-separation actions or activities of a spouse, shall not be treated as divisible property.
 - ii. All property, property rights, or any portion thereof received after the date of separation but before the date of distribution that was acquired as a result of the efforts of either spouse during the marriage and before the date of separation, including, but not limited to, commissions, bonuses, and contractual rights.
 - iii. Passive income from marital property received after the date of separation, including, but not limited to, interest and dividends.
 - iv. Increases in marital debt and financing charges and interest related to marital debt.
10. This Inventory is comprised of two Parts, titled: **Part I: Marital Assets and Debts contains Schedules A – I** and **Part II: Separate Property contains Schedules J – K**. The following is a list of abbreviations used in this Inventory:
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| FMV: Fair Market Value | Jt: Joint (as in joint names listed on a title) |
| DOS: Date of Separation | Poss.: Possession |
| DOM: Date of Marriage | Class.: Classification |
| H: Husband | |
| W: Wife | |
| M: Marital Property | |
| S: Separate Property | |
11. If you require further information and/or guidance in the preparation of this Inventory, you may refer to the North Carolina General Statutes, Chapter 50.