

**STANDING ADMINISTRATIVE ORDER  
27-B DISTRICT COURT  
CLEVELAND COUNTY**

The previous "Civil Court Calendar Rules" promulgated by Chief District Court Judge George W. Hambrick are hereby amended in part, with the balance continued in effect. Any matters not amended are deemed continued in effect. When time permits, the undersigned intends to publish more complete civil rules. Reference is made to the General Rules of Practice for the Superior and District Courts, adopted pursuant to N.C.G.S. 7A-34, as amended, which govern practice statewide.

**TRIAL CALENDAR, NON-JURY MATTERS:** The office of the Clerk of Superior Court shall prepare a non-jury calendar at least four weeks prior to the trial date. The trial calendar shall consist of all cases that have been filed at least five months, together with any cases the Chief District Court Judge or the presiding judge may designate. Attorneys and parties without attorneys may request that cases or matters be added to the trial calendar by petitioning the presiding judge or the Chief District Court Judge. There will be no additions to a non-jury calendar unless such is ordered by the presiding judge or Chief District Court Judge. If such is ordered, the Clerk may prepare an additions calendar up to five days before the term is scheduled to begin.

The trial calendar shall be made public and copies mailed by the office of the Clerk of Superior Court, no later than four weeks prior to the beginning of a session, to all attorneys of record, all parties who have no attorney of record, the judge scheduled to preside, and to the Chief District Court Judge. Cases for trial may not be added to the trial calendar after it is published, except by order of the presiding judge or the Chief District Court Judge. Attorneys may not add cases to a non-jury calendar by filing a Notice of Hearing. When a case on the trial calendar is settled, all attorneys of record must notify the Clerk of Superior Court within twenty-four hours after settlement and advise who will prepare and present the judgment and when the same will be filed.

All Magistrate's appeals shall be placed on the trial calendar prepared next after the appeal is received by the Clerk of Superior Court. Appeals from the Magistrate shall have priority over other matters calendared.

**JURY SESSIONS:** The prior order of Judge Hamrick remains in effect.

For any civil case, request for peremptory settings for compelling reasons must be made to the Chief District Court Judge. (See General Rules of Practice for the Superior and District Courts, adopted pursuant to N.C.G.S. 7A-34, as amended, Rule 2(f)).

**DOMESTIC SESSIONS:** At least two weeks prior to the day the domestic term is scheduled to begin, an attorney may request that one or more cases be placed on the calendar. This is to be done by filing with the Clerk, for each case, a Calendar Request Form. Copies of this form are available at the office of the Clerk of Superior Court, and one will be attached to this memorandum. The form should be completed to show the term of court desired, type of case

(support, alimony, etc.) and estimated length of hearing. The Clerk will clock in the form when received, which will determine the order of placement on the calendar. Up to twenty (20) cases will be calendared for the first day of each domestic term. No cases will be calendared specifically for later dates. The presiding judge, at calendar call, will set a tentative order of hearing for all matters set. As noted earlier in my memorandum published with the July - September schedule, the Monday morning calendar call is to commence at 9:00 A.M.

The first twenty calendar requests received shall determine the full calendar. Any calendar requests received after a full calendar is set will result in that case being calendared for the next available domestic term.

By Wednesday afternoon before a given term is to begin, or earlier if the twenty case maximum has been reached, the Clerk of Superior Court, in conjunction with the office of the Chief District Court Judge, will publish a calendar. A copy of the calendar is to be placed in the box at the Clerk of Superior court's office for each attorney with a calendared matter. Consistent with statutory notice requirements, each attorney calendaring a case should notify opposing counsel by Notice of Hearing, once he or she learns the calendar request has been accepted for a given term. The time requirements in this rule are not meant to lessen or supersede any statutory notice requirements, such as N.C.G.S. 50-13.5 (d) (1).

Injunctive matters (10-day hearings) by rule are permissible additions to the printed calendar, as are any uncontested divorces.

Attorneys are asked to cooperate with each other with regard to reaching informal understandings as to when their matter might best be heard. The order of cases as they appear on the calendar may not be related to the order of trial the presiding judge sets, so counsel should be responsible for monitoring the court's progress as the term proceeds.

The following language shall be placed on all final trial calendars: "Attorneys and parties without counsel are expected to be present at the opening of court on the first day to state the anticipated time required for trial and advise the judge of any other pertinent information, such as settlement possibilities or other matters to be taken up. Counsel or parties without counsel are responsible for monitoring the court's progress during the term for the purpose of ascertaining whether or not their case will be tried earlier than scheduled during the term, due to settlements, continuances, dismissals and other situations."

The last page of the calendar shall contain the following: "This final calendar was delivered or mailed to all attorneys of record or to parties without counsel of record at their last known address by the undersigned Deputy Clerk on the \_\_\_\_\_ day of \_\_\_\_\_, 1995." The Clerk so certifying will sign.

The Clerk of Superior Court in Cleveland County shall furnish each attorney in the county with a copy of these rules. The Clerk shall furnish any attorney outside the district a copy of these rules upon request and shall maintain a register showing the name and address of each person given a copy of such rules.

These rules are established pursuant to the General Rules of Practice for the Superior and District Court adopted by the Supreme Court pursuant to N.C.G.S. 7A-34, and are applicable to the District Court of Cleveland County. These rules are to be construed and enforced in such a manner as to avoid technical delays and to permit just and prompt consideration and determination of all business before the court. These rules are subject to amendment from time to time by the Chief District Court Judge, in writing and duly published.

This the 8 day of June, 1995.

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J. KEATON FONVIELLE  
CHIEF DISTRICT COURT JUDGE

CALENDAR REQUEST FORM  
DOMESTIC COURT

CLEVELAND COUNTY

FILE NO. \_\_\_\_\_

\_\_\_\_\_

TRIAL DATE \_\_\_\_\_  
REQUESTED

\_\_\_\_\_

VS.

ESTIMATED LENGTH OF HEARING

\_\_\_\_\_

\_\_\_\_\_ DAYS \_\_\_\_\_ HOURS

\_\_\_\_\_

TYPE OF CASE

CHILD SUPPORT	<input type="checkbox"/>
CUSTODY	<input type="checkbox"/>
CONTEMPT MOTION	<input type="checkbox"/>
ALIMONY	<input type="checkbox"/>
EQUITABLE DIST.	<input type="checkbox"/>
DIVORCE/BED & BOARD	<input type="checkbox"/>

NAMES OF ATTORNEYS

PLAINTIFF \_\_\_\_\_  
FIRM \_\_\_\_\_  
ADDRESS \_\_\_\_\_

DEFENDANT \_\_\_\_\_  
FIRM \_\_\_\_\_  
ADDRESS \_\_\_\_\_

TELEPHONE # \_\_\_\_\_

TELEPHONE # \_\_\_\_\_

DATE OF REQUEST \_\_\_\_\_

NAME OF ATTORNEY \_\_\_\_\_  
REQUESTING CASE  
TO BE CALENDARIED

**IN RE:**

**RULES AND CASE MANAGEMENT  
PLAN FOR MATTERS INVOLVING  
EQUITABLE DISTRIBUTION OF  
MARITAL PROPERTY**

**ORDER**

This order is entered to improve the administration of justice in equitable distribution matters by providing rules and uniformity of forms for cases filed in the 27-B Judicial District. The order will also provide rules for pretrial conferences and timetables for the completion of certain events from the filing of the action through trial. This order supersedes and replaces the prior Equitable Distribution order entered by Judge George W. Hamrick.

1. The purpose of these Local Rules is to accomplish the following:
  - (a) narrow the issues for trial;
  - (b) assist and encourage the settling of the case resulting in better use of attorney and trial time; and
  - (c) establish a court review procedure to insure the steady progress of the matter to final resolution.
  
2. The affidavit forms attached hereto as Exhibit 1 shall be the affidavit used for equitable distribution cases in the 27-B Judicial District. The affidavit to be filed by a party must be identical in form to the affidavit as shown in Exhibit 1. For good cause shown, affidavits may be amended prior to and during the trial in the judge's discretion. Affidavits filed prior to the effective date of this order need not be refilled in the form of Exhibit 1. Some of the forms contain spaces for completion by both parties. The responding party shall complete those forms on a reproduction of the initiating party's affidavit.
  
3. At the time of filing of a claim for equitable distribution, the moving party shall also file an Equitable Distribution Status Sheet, a copy of which is attached hereto as Exhibit 2. Service of a copy of this status sheet on the opposing party is not required. The Clerk of Court shall affix the status sheet to the inside front jacket of the file to track the events of the case as they occur.
  
4. At the time of filing of a claim for equitable distribution, the filing party shall schedule an initial pretrial conference to be held within 90 days of the filing of a claim. Notice of said hearing shall be served on the opposing party with notice of the claim for equitable distribution as provided in the Rules of Civil Procedure. At said hearing, the Court shall determine the status of the case, determine the date of separation, set a date for completion of discovery, set a date for completion of affidavits, rule on any pending

motions and schedule a discovery conference. If all discovery and affidavits are completed at the time of this hearing the Court shall schedule a final pretrial conference.

5. At the discovery conference, the Court shall determine the status of the case, set the dates for completion of discovery and affidavits (if necessary), rule on any pending motions, and schedule a final pretrial conference.

6. At the final pretrial conference, the Court shall review the affidavits, determine the need for further discovery, prescribe deadlines for such discovery, rule on any pending motions or any pending matter necessary to effect a fair and prompt disposition of the case, enter a pretrial order, and schedule a final hearing on equitable distribution. Attorneys shall have their clients present in court for consultation during the final pretrial conference. The participation of clients in discussions with the judge shall be in the pretrial conference shall be in the form of the Pretrial Order attached hereto as Exhibit 3 unless otherwise ordered by the Court.

7. The timetable for the filing of affidavits shall be that as prescribed in N.C.G.S. 50-21 (a).

8. During all pretrial conferences attorneys should be familiar with their time schedules, vacations and other conflicts to avoid delay in scheduling further proceedings.

9. The initial pretrial conference, discovery conference, and final pretrial conference may be continued by the Court for good cause shown. An order of continuance shall be in writing and shall schedule the matter for a specific term of court.

10. At a trial for an absolute divorce in which a claim for equitable distribution is being reserved for later determination, the Court shall review the status of the equitable distribution claim and enter such orders or schedule such hearings or conferences to ensure compliance with these rules.

11. Upon motion of either party or upon the Court's own initiative, the Court shall impose an appropriate sanction on a party when the court finds that:

- (a) the party has willfully obstructed or unreasonably delayed, or attempted to obstruct or unreasonably delay, any equitable distribution proceeding, including failure to make any discovery pursuant to Rule 37 of the Rules of Civil Procedure; and
- (b) the willful obstruction or unreasonable delay of the proceedings is, or would be, prejudicial to the interests of the opposing party.

Delay consented to by the opposing party is not grounds for sanctions.

12. Upon motion of either party or upon the Court's own initiative, the Court may impose sanctions as authorized by statute for a party's failure to abide by the terms of these Local Rules.

13. In the event a claim for equitable distribution is ordered to be placed on the "off docket", the Court shall indicate in the off docket order the reason for placing the matter off the active docket. An order returning the case to the "active docket" shall also schedule a hearing to review the status of the file and such order shall be served on the other party.

14. **IN CLEVELAND COUNTY**, hearings and conferences prescribed by these Rules shall be scheduled during Civil Domestic terms of District Court, such Equitable Distribution terms as may be scheduled, or, with permission of the presiding judge, Civil Non-Jury terms. Pretrial matters may also be scheduled on those Friday "E.D." terms as may be designated by the Chief District Court Judge.

15. **IN LINCOLN COUNTY**, hearings and conferences prescribed by these Rules shall be scheduled for Civil Non-Jury terms of District Court or during Thursday civil sessions. Hearings or conferences scheduled for Thursday sessions shall be subject to Local Rules regarding time limitations for such proceedings.

16. **IN CLEVELAND COUNTY**, once a trial judge has accepted assignment of an equitable distribution case, then all subsequent hearings, conferences, and trials prescribed by these Rules shall be before that judge. Another trial judge may be assigned by, and in the discretion of, the Chief District Court Judge upon motion by either party or upon the Court's own initiative.

17. **IN LINCOLN COUNTY**, the parties should make reasonable efforts to schedule all subsequent proceedings before the trial judge who hears the initial conference. When schedules, conflicts or other matters interfere, another trial judge may hear subsequent proceedings.

18. To assist in the control of the equitable distribution docket, the Clerk of Court in Cleveland and Lincoln Counties will mark the outside of the file jackets or maintain docket control sheets in such a manner so that pending equitable distribution cases may be readily identified. Closed files will also be marked accordingly.

19. These Rules shall be effective for all claims for equitable distribution of marital property filed on or after January 1, 1996.

20. **FOR EQUITABLE DISTRIBUTION ACTIONS PENDING AS OF THE EFFECTIVE DATE OF THESE RULES.** An entry of judgment of absolute divorce reserving a claim for equitable distribution shall schedule a discovery conference to be held no later than 60 days after entry of divorce. At such discovery conference, the Court shall determine the status of the case, set a date for completion of discovery and affidavits (if necessary), rule on any pending motions, and schedule any further pretrial conferences including, but not limited to, a final pretrial conference to be otherwise conducted in accordance with these Rules.

This, the 12<sup>th</sup> day of December, 1995

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**J. Keaton Fonvielle**  
**Chief District Court Judge**



NORTH CAROLINA  
\_\_\_\_\_ COUNTY

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION

\_\_\_\_\_, )  
Plaintiff )  
vs. )  
\_\_\_\_\_, )  
Defendant )

**EQUITABLE DISTRIBUTION AFFIDAVIT  
OF THE PLAINTIFF/DEFENDANT**

THE AFFIANT, after being duly sworn as shown below, states as follows:

1. I am filing this affidavit for its use in entering a final judgment of equitable distribution of marital property.
2. I have read and understand the "Instructions" which accompany this affidavit, and the information contained in this affidavit is true, accurate and complete.
3. I have made a full and complete disclosure of all marital and separate property known to me.
4. This affidavit consists of this sheet and the attached \_\_\_\_\_ pages.

This the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Plaintiff/Defendant

Sworn to and subscribed before me  
this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

## EXHIBIT 1

### **EQUITABLE DISTRIBUTION AFFIDAVIT INSTRUCTIONS TO PARTIES**

1. **READ THESE INSTRUCTIONS CAREFULLY.** Your affidavit must be fully and accurately prepared. Submission of this affidavit is required by the 27-B Judicial District Court Local Rules relating to equitable distribution. A copy of the Rules is available in the Office of the Clerk of Superior Court. If you are not represented by an attorney, you should obtain a copy of those rules so that you may comply with them and assure that you do not prejudice your case. Your interests in this law suit will be harmed if your affidavit does not contain all the information required and if that information is not accurate.
2. The local court rules regarding equitable distribution contain time limits for the completion and filing of affidavits. Please consult with your attorney or review the rules to ensure that your affidavit is timely prepared and filed. 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. **THE DEADLINES OUTLINED IN THE LOCAL RULES OF COURT ARE IMPORTANT.**
3. **READ THE AFFIDAVIT FORM CAREFULLY.** If you have any 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.
4. The affidavit, when filed, must be typed and your signature must be notarized. You must have the original for the court file, a copy to serve on the opposing party and a copy for yourself.
5. Some of the forms contain spaces for completion by both parties. The responding party shall complete those forms on a reproduction of the initiating party's affidavit.
6. Part I is a summary. Complete this part after completing the remainder of the affidavit.
7. Only "marital property" should be listed in Part II. Be certain that you understand from your attorney what is and is not separate property.
8. Only "separate property" should be listed in Part III. Be certain that you understand from your attorney what is and is not separate property.
9. Part IV should be completed only if you are seeking an unequal distribution of marital property. You should delete this part if you are seeking an equal distribution.
10. If you need additional form pages, obtain more from your attorney or the Clerk of Court. Do not complete blank sheets to attach to the forms.

11. The page following these instructions is a list of different categories of property. **YOUR LISTING MUST FOLLOW THE ORDER INDICATED.**
12. When listing household goods give as complete a description as possible. For example, under "furniture" do not list "living room suite". Instead, list the items of furniture in the suite. Smaller items such as pots and pans, linens, dishes, silverware, etc. may be grouped for description and valuation.
13. Remember to accurately compute the "Total" in the columns that require a total.
14. Remember that your affidavit is a sworn statement. Omissions or misstatements of fact in your affidavit may subject you to sanctions by the Court.
15. If you are the second party completing the affidavit and you disagree with the first party's classification of an item of property as marital or separate, indicate your disagreement by placing asterisks in your valuation column and then adding the item of property to the appropriate form within your affidavit.
16. If you are the second party completing the affidavit and there are additional items of property within one or more categories contained in the first party's affidavit, draw a double line beneath the last item of property listed in the first party's affidavit and add the additional items you claim.
17. The following is a list of abbreviations used in the affidavit.

FMV	=	Fair Market Value
DOM	=	Date of Marriage
DOS	=	Date of Separation
Poss.	=	Possession
H	=	Husband
W	=	Wife
Jt.	=	Joint
Prop. Dist.	=	Proposed Distribution

## **DESCRIPTION OF ASSETS**

### **ITEMS AND CATEGORIES**

#### **I. REALTY**

- A. Residence**
- B. Rental**
- C. Commercial/Business**
- D. Recreational/Vacation**
- E. Time Share**
- F. Other**

#### **II. TRANSPORTATION**

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

#### **III. BANK ACCOUNTS/IRA ACCOUNTS**

- A. Checking Accounts**
- B. Savings Account**
- C. IRA Accounts**
- D. Cerificates**

#### **IV. STOCKS/BONDS/LIFE INSURANCE POLICIES**

- A. Stocks**
- B. Bonds and Debentures**
- C. Mutual Funds**
- D. Options**
- E. Futures**
- F. Other**

#### **V. ARTWORK/METALS/COLLECTIBLES**

- A. Artwork**
- B. Gold**
- C. Silver**
- D. Jewelry**
- E. Firearms**
- F. Coins**
- G. Other**

#### **VI. BUSINESS/PROFESSIONAL INTERESTS**

- A. Closely Held Corporation**

- B. Partnership
- C. Sole Proprietorship
- D. Unincorporated Association
- E. Other

VII. ANIMALS

- A. Dogs
- B. Cats
- C. Birds
- D. Horses
- E. Cattle
- F. Swine
- G. Sheep/Goats
- H. Other

VIII. INTELLECTUAL PROPERTY

- A. Inventions and Trade Secrets
- B. Copyrights and Patents
- C. Trademarks and Trade Names

IX. HOUSEHOLD GOODS

- A. Furniture
- B. Pictures, Prints and Other Wall Hangings
- C. Appliances
- D. Electronics/Entertainment
- E. Linens
- F. Books
- G. Kitchen Utensils/China/Silverware/Crystal
- H. Outdoor Furniture
- I. Sporting Goods
- J. Household Tools
- K. Lawn Mowers
- L. Yard/Garden Tools
- M. Other

X. TOOLS OF TRADE/EQUIPMENT

- A. Tools
- B. Equipment/Machinery
- C. Farm Equipment/Implements

XI. ANY OTHER PROPERTY

**PART 1.  
SUMMARY**

Marital Property (Part II)	H Net FMV DOS	H Net FMV Present	W Net FMV DOS	W Net FMV Present
I. Realty				
II. Transportation				
III. Bank/IRA Accounts				
IV. Stocks/Bonds/Insurance				
V. Artwork/Metals/Collectibles				
VI. Business/Professional Interests				
VII. Animals				
VIII. Intellectual Property				
IX. Household Goods				
X. Tools/Equipment				
XI. Other				
<b>TOTAL (Marital)</b>	\$ _____	\$ _____	\$ _____	\$ _____
<b>SEPARATE PROPERTY (Part III)</b>				
<b>TOTAL (Separate)</b>	\$ _____	\$ _____	\$ _____	
<b>PENSION/RETIREMENT ACCOUNTS (Part IV)</b>				
<b>TOTAL (Pension/Retirement)</b>	\$ _____	\$ _____	\$ _____	\$ _____
<b>MARITAL DEBT (Part V) (Not considered in Part II above)</b>				
<b>TOTAL (Debt)</b>	\$ _____	\$ _____	\$ _____	

**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.

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION

\_\_\_\_\_ COUNTY

FILE NO: \_\_\_\_\_ CvD \_\_\_\_\_

\_\_\_\_\_, )  
Plaintiff )

vs. )

\_\_\_\_\_, )  
Defendant )

**PRE-TRIAL ORDER FOR  
EQUITABLE DISTRIBUTION**

**THIS MATTER** coming on to be heard and being heard upon pretrial conference before the undersigned presiding Judge upon pleadings seeking a determination of marital property and an equitable distribution of such property as shall be determined to be marital;

**AND IT APPEARING** that the parties have reached an agreement on certain facts and on certain issues and have delineated the areas of agreements and disagreements;

**AND IT APPEARING** that by their signatures affixed hereto, each party stipulates that he or she agrees with the facts and issues classified as agreed upon and stipulates that facts and issues classified as being in dispute are accurately reflected and that there are no other issues to be determined by the Court;

**AND IT FURTHER APPEARING** that each party by signing this Pre-Trial Order warrants and avows that he or she had disclosed the existence of all property, both separate and marital, to which he or she may have claim at the date of valuation of marital property, regardless of to whom such property may be titled or in whom actual ownership may be designated. Said disclosure has been full and honest and is free from taint and fraud;

**IT IS THEREFORE, ORDERED, ADJUDGED, DECREED, AND STIPULATED AS FOLLOWS:**

1. The Court has jurisdiction over the parties and subject matter of this action.
2. Plaintiff and Defendant were married on \_\_\_\_\_.
3. The Plaintiff and Defendant are the parents of \_\_\_\_\_ children whose name and birth dates are as follows:

_____	_____
_____	_____
_____	_____

### EXHIBIT 3

1. The date Plaintiff and Defendant separated is \_\_\_\_\_.
2. The date of valuation is \_\_\_\_\_.  
\_\_\_\_\_ (if checked)
3. The parties agree that an equal distribution is an equitable distribution.
4. Schedule A is a list of marital property upon which there is **AGREEMENT** as to **VALUE** and **DISTRIBUTION** (as between Plaintiff and Defendant).
5. Schedule B is a list of marital property upon which there is **AGREEMENT** as to **DISTRIBUTION** and **DISAGREEMENT** as to **DISTRIBUTION**.
6. Schedule C is a list of marital property upon which there is **AGREEMENT** as to **VALUE** and **DISAGREEMENT** as to **DISTRIBUTION**.
7. Schedule D is a list of marital property upon which there is **DISAGREEMENT** as to **DISTRIBUTION** and **DISAGREEMENT** as to **VALUE**.
8. Schedule E is a list of items about which there is **DISAGREEMENT** as to **WHETHER** the item is **MARITAL PROPERTY**.
9. Schedule F is a list of items about which there is **DISAGREEMENT** as to **WHETHER** the item is **MARITAL PROPERTY**.
10. Schedule G is a list of items with **MIXED, MARITAL AND SEPARATES CHARACTERISTICS**.
11. Schedule H is a list of **HUSBAND'S CONTENTIONS WHY AN EQUAL DIVISION IS NOT AN EQUITABLE DISTRIBUTION**.
12. Schedule I is a list of **WIFE'S CONTENTIONS WHY AN EQUAL DIVISION IS NOT AN EQUITABLE DISTRIBUTION**.
13. Schedule J is a list which both parties agree includes **SEPARATE PROPERTY OF THE HUSBAND**.
15. Schedule K is a list which both parties agree includes **SEPARATE PROPERTY OF THE WIFE**.
16. Schedule L is a list of debts upon which there is **AGREEMENT** as to the **AMOUNT** and whether each debt is **MARITAL**.
17. Schedule M is a list of debts upon which there is **DISAGREEMENT** as to the **AMOUNT** or **WHETHER** each debt is **MARITAL**.
18. Plaintiff and Defendant have added any additional schedules needed to state any other issues to be decided by the Court. They are labeled Schedules \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_.
19. The parties shall submit affidavits of expert witnesses intended to be called at trial to counsel for the opposing party no later than \_\_\_\_\_. Seven (7) days from the receipt of such affidavit, counsel for each party shall advise the other as to whether stipulations can be entered into concerning the admission of the respective expert witnesses' affidavits or whether the experts will need to be present at trial to testify.
20. The Presiding Judge shall rule on the following:
  - (a) What is the value of the items in Schedule B?
  - (b) Which party shall be the owner of the items on Schedule C?
  - (c) What is the value of and which party shall be the owner of the items of Schedule D?



- (d) Are the items on Schedule E and F marital property and if so, what are their values?
- (e) Are the items on Schedule G marital, separate or mixed and their values, and if the items are mixed, what portion of each item is marital and what portion is separate?
- (f) If the parties do not agree that equal is equitable, the Judge shall rule on an equitable division.
- (g) The Judge shall rule on issues raised in Supplemental Schedules attached hereto.

This matter is set for trial on \_\_\_\_\_, 19\_\_\_\_.

This the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Judge Presiding

**CONSENTED TO:**

\_\_\_\_\_  
Plaintiff

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Attorney for the Plaintiff

\_\_\_\_\_  
Attorney for the Defendant

**SCHEDULE A  
MARITAL PROPERTY UPON WHICH THERE IS  
AGREEMENT AS TO VALUE AND DISTRIBUTION**

**ASSET**

**DISTRIBUTION**

**VALUE**

**SCHEDULE A (continued)**

**ASSET**

**DISTRIBUTION**

**VALUE**

**SCHEDULE A (continued)**

**ASSET**

**DISTRIBUTION**

**VALUE**

**SCHEDULE B  
MARITAL PROPERTY UPON WHICH THERE IS  
AGREEMENT AS TO DISTRIBUTION AND DISAGREEMENT AS TO VALUE**

**ASSET**

**DISTRIBUTION**

**VALUE**  
H Contention W Contention

**SCHEDULE B (continued)**  
**MARITAL PROPERTY UPON WHICH THERE IS**  
**AGREEMENT AS TO DISTRIBUTION AND DISAGREEMENT AS TO VALUE**

ASSET	DISTRIBUTION	VALUE	
		H Contention	W Contention

**SCHEDULE C  
MARITAL PROPERTY UPON WHICH THERE IS  
AGREEMENT AS TO VALUE AND DISAGREEMENT AS TO DISTRIBUTION**

**ASSET**

**DISTRIBUTION**  
H Contention W Contention

**VALUE**

**SCHEDULE D  
MARITAL PROPERTY UPON WHICH THERE IS  
DISAGREEMENT AS TO DISTRIBUTION AND DISAGREEMENT AS TO VALUE**

ASSET

DISTRIBUTION

VALUE  
H Contention W Contention



**SCHEDULE E  
WIFE CLAIMS SEPARATE  
HUSBAND CLAIMS MARITAL**

**ASSET**

**PRESENT POSSESSION**

**VALUE**  
H Contention W Contention

**SCHEDULE F  
HUSBAND CLAIMS SEPARATE  
WIFE CLAIMS MARITAL**

**ASSET**

**PRESENT POSSESSION**

**VALUE  
H Contention W Contention**

**SCHEDULE G  
PROPERTY WHEN MIXED, MARITAL AND  
SEPARATE CHARACTERISTICS**

**ASSET**

**PRESENT POSSESSION**

**VALUE**  
**H Contention W Contention**

**SCHEDULE H**  
**PLAINTIFF'S CONTENTION AS TO WHY**  
**EQUAL DIVISION IS NOT AN EQUITABLE DISTRIBUTION**

**SCHEDULE I**  
**DEFENDANT'S CONTENTION AS TO WHY**  
**EQUAL DIVISION IS NOT AN EQUITABLE DISTRIBUTION**

**SCHEDULE J**  
**PARTIES AGREE INCLUDES SEPARATE**  
**PROPERTY OF THE HUSBAND**

**SCHEDULE K  
PARTIES AGREE INCLUDES SEPARATE  
PROPERTY OF THE WIFE**

**SCHEDULE L  
MARITAL DEBTS  
AGREEMENT AS TO AMOUNT**



**SCHEDULE M**

**DEBTS**

**DISAGREEMENT AS TO STATUS OR AMOUNT**

Husband's Contentions

Wife's Contentions

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

27-B DISTRICT COURT DISTRICT

DISTRICT COURT DIVISION

\_\_\_\_\_ )  
 )  
 In Re: )  
 The Matter of the Release of )  
 Confidential Information to )  
 Sheriffs in Connection With )  
 Application for )  
 Concealed Handgun Permits )  
 \_\_\_\_\_ )

**STANDING ORDER**

This Standing Order is entered for the following reasons:

1. G.S. 14-415.12 requires a Sheriff to issue a concealed handgun permit to an applicant who, among other things, does not suffer from a physical or mental infirmity that prevents the safe handling of a gun [G.S. 14-415.12(a) (3)], and to deny a permit to an applicant who is currently, or has previously been adjudicated to be, lacking in mental capacity or mentally ill [G.S. 14-415.12 (b) (6)].
2. In determining whether to issue a concealed handgun permit to an applicant, the sheriff reasonably needs to determine whether the applicant has been the subject of an involuntary commitment proceeding under Article 5 of Chapter 122C of the General Statutes and, if so, to examine the confidential information in the court files and court records of each such proceeding.
3. G.S. 122C-207 provides that court records made in all proceedings pursuant to Article 5 of Chapter 122C of the General Statutes are confidential and are not open to anyone, including the Sheriff, except as provided in G.S. 122C-54 (d); G.S. 122C-54 (d) provides that an individual seeking confidential information contained in the court files or court records of such a proceeding may file a written motion in the cause setting out why the information is needed, and that a district court judge may enter an order to disclose that information upon making the finding contained in Paragraph 5 of this Standing Order.
4. G.S. 14-415.13 requires each applicant for a concealed handgun permit to submit to the sheriff, among other things, a release that authorizes and requires disclosure to the sheriff of any records concerning the mental health or capacity of the applicant; it is appropriate to treat such a release as a motion in the cause within the meaning of G.S. 122C-54 (d).
5. It is appropriate under the circumstances, and it is in the best interests of each applicant for a concealed handgun permit and of the public, to have the information specified in this Standing Order concerning involuntary commitment proceedings under Article 5 of Chapter 122C of the General Statutes disclosed to the sheriff in connection with each application for a concealed handgun permit.

Based on these findings, the undersigned concludes that the interests of all applicants for concealed handgun permits and of the public, and the efficient and proper processing of permits for concealed handgun permits, require that this Standing Order be issued authorizing the release of the information specified, and that this Standing Order function as the order of a district court judge in each involuntary commitment proceeding in which an applicant for such a permit has been named respondent.

Therefore, it is ORDERED that the clerk of superior court of each county in this District is authorized and directed, upon presentation of a release properly executed in accordance with G.S. 14-415.13 (a) (5) by an applicant for a concealed handgun permit:

1. To inform the Sheriff with whom the application was filed whether or not there is, in the records of the clerk, the record of any involuntary commitment proceeding under Article 5 of Chapter 122C of the General Statutes in which the applicant was named as a respondent,
2. If so, to reveal to the Sheriff any confidential information in the court files and court records of each such proceeding that the Sheriff may reasonably require in order to determine whether or not to issue a concealed handgun permit to the applicant, and
3. To place in each court file from which information is revealed to the Sheriff a copy of the applicant's release and a copy of this Standing Order, and to note in the file the date on which and the person to whom information is revealed pursuant to this Standing Order.

Entered this the 20<sup>th</sup> day of December, 1995.

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Chief District Court Judge

**IN RE:**

**27-B JUDICIAL DISTRICT  
CONTINUANCE POLICY**

**ORDER**

This order is intended to assist in utilizing the resources of the 27-B Judicial District more effectively and efficiently by applying uniform standards of calendar management and evaluation of continuance requests in a fair and consistent manner.

**Rule 1: Motion for Continuance – Criminal Cases**

Criminal cases should be disposed of at the earliest opportunity, including the first trial setting. However, when reasons for continuance are presented which would affect the fundamental fairness of the trial process, a continuance may be granted for good cause. Requests for continuances that are made on or after 84 days (twelve weeks) from the first calendaring before a judge shall be granted for extraordinary cause only.

**1.1 Appropriate Court Official**

Requests for continuance on matters at the first calendaring may be granted by the (assistant) District attorney. After the first calendaring rulings on any request for continuance made on the day of court for the session in which the case is calendared shall be the responsibility of the presiding trial judge of that court. The Chief District Court Judge, if available, shall address motions for continuance made prior to the session of court during which the case is calendared. In the alternative, continuance motions may be made to the judge to be presiding over the session of court during which the case is calendared.

**1.2 Court Conflicts**

The various levels of court should work together to try to move cases as expeditiously as possible. Age of case, subject matter, and priority of setting should be given as much primacy as the level of court when resolving conflicts.

Attorneys shall notify the court and opposing counsel of any other court conflict(s) as they become known and shall keep the court advised of the resolution of that conflict. All judges shall communicate with other judges to resolve such conflicts. In resolving court conflicts, juvenile cases shall take precedence over all other matters.

**1.3 Documentation of Continuance**

All orders of continuance shall be documented in or on the file, and shall include the name of the moving party, any objections to the continuance, and the basis for the continuance.

All requests for continuance for matters beyond 84 days from the first calendar date shall be by written motion. However, oral motions may be allowed when the reason for the continuance did not become known until immediately preceding the start of court.

#### **1.4 Notification of Opposing Counsel/Unrepresented Parties/Witnesses**

All applications for continuance shall be made as soon as a conflict is identified, and all affected – opposing counsel, unrepresented parties, subpoenaed witnesses, or court staff charged with subpoenaing witnesses – shall be notified as soon as possible by the moving party.

#### **1.5 Objections to Motion for Continuance**

All parties should have an opportunity to be heard on a motion to continue.

#### **1.6 Case Rescheduling**

Upon granting a motion for continuance, the judge should reschedule the case, taking into consideration the availability of counsel, defendant, and witnesses.

#### **1.7 Time Standards**

All criminal and motor vehicle cases should be disposed within 120 days from the first appearance in District Court.

#### **1.8 Motions to Strike – Orders for Arrest and Continuance of Case**

When a defendant is “called and failed” for a failure to appear, any motion made to strike the order for arrest and forfeiture shall be made in open court with the State represented. If the case has pending for more than 84 days since the first court setting, the request for a continuance should ordinarily be denied absent a showing of a compelling reason to continue the case.

### **Rule 2: Motions for Continuance – General Civil and Magistrate Appeal Cases**

Civil cases should be heard at the earliest opportunity, including the first trial setting. However, when compelling reasons for continuance are presented which would affect the fundamental fairness of the trial process, a continuance may be granted for good cause. Requests for continuances that will delay the resolution of the case beyond the established time standards shall only be granted for extraordinary cause.

## 2.1 Appropriate Court Official

All applications for continuance shall be made to the District Court Judge presiding over the session of court for which the case is calendared, or his/her designee. If the trial judge is not known at the time the request is made, the application should be addressed to the Chief District Court Judge.

## 2.2 Court Conflicts

The various levels of court should work together to try to move cases as expeditiously as possible. Age of case, subject matter, and priority of setting should be given as much primacy as the level of court when resolving conflicts.

Attorneys shall notify the court and opposing counsel of any other court conflict(s) as they become known and shall keep the court advised of the resolution of that conflict. All judges shall communicate with other judges to resolve such conflicts. In resolving court conflicts juvenile cases shall take precedence over all other matters.

*[Commentary: All attorneys are reminded of the requirements of Rule 2(e) of the General Rules of Practice regarding their appearance, or the appearance of a partner, associate, or another attorney familiar with the case, if there is another court that requires his or her presence in court simultaneously.]*

## 2.3 Documentation of Continuance

All requests for continuance shall be by written motion. However, oral motions may be allowed when the reason for the continuance did not become known until immediately preceding the start of court.

*[Commentary: This proviso for an oral motion is only for emergency situations, such as severe family illness or death of a party, one of the attorneys, or critical witnesses; and the absence of that person will make it impossible for the trial or hearing to proceed.]*

## 2.4 Notification of Opposing Counsel/Unrepresented Parties/Witnesses

All parties must be notified of a motion to continue. A copy of the motion to continue must be distributed to all counsel of record and/or unrepresented parties prior to ruling on the motion. In addition to the service requirements set out in the statute, distribution of the motion must be made by the quickest means feasible, including facsimile transmission, electronic mail, or hand delivery.

*[Commentary: The burden is on the moving party to advise the court and opposing counsel of any motion for a continuance. The goal of this provision is to avoid any continuance surprises and to provide notice as expeditiously as possible to the court and to the opposing party and/or their counsel.]*

## **2.5 Objections to Motion for Continuance**

All parties should have an opportunity to be heard on a motion to continue

When a motion to continue is made more than seven (7) working days prior to trial, opposing counsel and/or unrepresented parties shall have a period of four (4) working days, following completion of distribution, to communicate objections to the motion for continuance to the moving party and the presiding District Court Judge or his/her designee. Objections not raised in writing within this time period are deemed waived.

When a motion to continue is made within seven (7) working days of the trial term (other than an oral motion as provided in Rule 2.3 above), the moving party shall include in the written motion a statement that the opposing counsel or party has been contacted and a short statement on opposing party's position on the motion (including whether the opposing party or counsel consents or objects, and whether or not he or she desires to be heard on the motion). If the moving party is unable to contact the opposing counsel or unrepresented parties, the motion shall state what efforts were made and why contact was not possible.

*[Commentary: The writing requirement of this rule may be in the form of a letter.]*

## **2.6 Evaluation of Motions for Continuance**

Factors to be considered by the appropriate court official when deciding whether to grant or deny a motion for continuance should include:

- the effect on children and spouses if the issue is continued and not resolved;
- the impact of a continuance on the safety of the parties or any other persons;
- the age of the case;
- the status of the trial calendar for the session;
- the order in which the case appears on the trial calendar, including whether the case is peremptorily scheduled;
- the number of previous continuances;
- the extent to which counsel had input into the scheduling of the trial date;
- the due diligence of counsel in promptly filing a motion for continuance as soon as practicable;
- whether the reason for continuance is a short-lived event which would resolve prior to the scheduled trial date;
- whether the basis of the motion is the existence of a legitimate conflict with another court setting;
- the period of delay caused by the continuance requested;
- the position of opposing counsel or unrepresented parties; for a future session;
- whether the parties themselves consent to the continuance;
- present or future inconvenience or unavailability of witnesses/parties;
- consideration of the financial consequences to the public, the parties, the attorneys, or witnesses if the case is continued;

- compliance with any law relating to the scheduling and trial of civil cases (such as summary ejection appeals); and
- any other factor that promotes the fair administration of justice

## **2.7 Case Rescheduling**

Upon granting a motion for continuance, the judge should reschedule the case to a specific trial date after receiving input from all parties.

## **2.8 Time Standards**

All general civil and magistrate appeal cases should be disposed within 24 months of filing, with 90% of all cases disposed within 12 months of filing.

# **Rule 3: Motions for Continuance – Domestic Cases**

Domestic cases should be heard at the earliest opportunity, including the first trial setting. However, when compelling reasons for continuance are presented which would affect the fundamental fairness of the trial process, a continuance may be granted for good cause. Requests for continuances that will delay the resolution of the contested issues beyond the established time standards shall only be granted for extraordinary cause.

## **3.1 Appropriate Court Official**

All applications for continuance shall be made to the District Court Judge presiding over the session of court for which the case is calendared. If the trial judge is not known at the time the request is made or is unavailable, the application should be addressed to the Chief District Court Judge or his or her designee.

## **3.2 Court Conflicts**

The various levels of court should work together to try to move cases as expeditiously as possible. Age of case, subject matter, and priority of setting should be given as much primacy as the level of court when resolving conflicts.

Attorneys shall notify the court and opposing counsel of any other court conflict (s) as they become known and shall keep the court advised of the resolution of that conflict. All judges shall communicate with other judges to resolve such conflicts. In resolving court conflicts juvenile cases shall take precedence over all other matters.

*[Commentary: All attorneys are reminded of the requirements of Rule 2(e) of the General Rules of Practice regarding their appearance, or the appearance of a partner, associate, or another attorney familiar with the case, if there is another court that requires his or her presence in court simultaneously.]*



### **3.3 Documentation of Continuance**

All requests for continuance shall be by written motion. However, oral motions may be allowed when the reason for the continuance did not become known until immediately preceding the start of court.

*[Commentary: This proviso for an oral motion is only for emergency situations, such as severe family illness or death of a party, one of the attorneys, or critical witnesses; and the absence of that person will make it impossible for the trial or hearing to proceed.]*

### **3.4 Notification of Opposing Counsel/Unrepresented Parties/Witnesses**

All parties must be notified of a motion to continue. A copy of the motion to continue must be distributed to all counsel of record and/or unrepresented parties prior to ruling on the motion. In addition to the service requirements set out in the statute, distribution of the motion must be made by the quickest means feasible, including facsimile transmission, electronic mail, or hand delivery.

*[Commentary: The burden is on the moving party to advise the court and opposing counsel of any motion for a continuance. The goal of this provision is to avoid any continuance surprises and to provide notice as expeditiously as possible to the court and to the opposing party and/or their counsel.]*

### **3.5 Objections to Motion for Continuance**

All parties should have an opportunity to be heard on a motion to continue.

When a motion to continue is made more than seven (7) working days prior to trial, opposing counsel and/or unrepresented parties shall have a period of four (4) working days, following completion of distribution, to communicate objections to the motion for continuance to the moving party and the presiding District Court Judge or his/her designee. Objections not raised in writing this time period are deemed waived.

When a motion to continue is made within seven (7) working days of the trial term (other than an oral motion as provided in Rule 3.3 above), the moving party shall include in the written motion a statement that the opposing counsel or party has been contacted and a short statement on opposing party's position on the motion (including whether the opposing party or counsel consents or objects, and whether or not he or she desires to be heard on the motion). If the moving party is unable to contact the opposing counsel or unrepresented parties, the motion shall state what efforts were made and why contact was not possible.

*[Commentary: The writing requirement of this rule may be in the form of a letter.]*

### **3.6 Evaluation of Motions for Continuance**

Factors to be considered by the appropriate court official when deciding whether to grant or deny a motion for continuance should include:

- the effect on children and spouses if the issue is continued and not resolved;
- whether there is in effect a temporary order dealing with the issue that is the subject of the continuance request;
- the impact of a continuance on the safety of the parties or any other persons;
- whether the issue has been identified statutorily as an issue which should be addressed expeditiously, i.e., child support, post separation support;
- the age of the case or motion;
- the status of the trial calendar for the session;
- the order in which the case appears on the trial calendar, including whether the case is peremptorily scheduled;
- the number of previous continuances OR the number, moving party, and grounds for previous continuances;
- the extent to which counsel had input into the scheduling of the trial date;
- the due diligence of counsel in promptly filing a motion for continuance as soon as practicable;
- whether the reason for continuance is a short-lived event which would resolve prior to the scheduled trial date;
- whether the basis of the motion is the existence of a legitimate conflict with another court setting;
- the period of delay caused by the continuance requested;
- the position of opposing counsel or unrepresented parties;
- whether the parties themselves consent to the continuance;
- present or future inconvenience or unavailability of witnesses/parties;
- consideration of the financial consequences to the public, the parties, the attorneys, or witnesses if the case is continued; and
- any other factor that promotes the fair administration of justice.

### **3.7 Case Rescheduling**

Prior to granting a motion for continuance, the appropriate judge official should reschedule the trial or pre-trial of the contested issues to a specific date after receiving scheduling input from all parties.

### **3.8 Time Standards**

All domestic cases should be disposed within 18 months of filing, with 90% disposed within 12 months. Issues of child support should be resolved and a temporary or permanent order entered within 60 days of service. Post-disposition issues, such as contempt and motions to modify existing orders, should be resolved within 60 days of the filing of such actions.

## **Rule 4: Motions for Continuance – Juvenile Cases**

For an abused or neglected child, the courts are his or her source of protection and the source of services. For a delinquent child or youth, the courts provide the opportunity for rehabilitation. The goal of a case management plan for juvenile court is to put the courts in the best position to ensure the safety of children, and to give them the best possible chance of living in stable, permanent families. Therefore continuances should be allowed only when it serves the child's best interest. Participants must come to court prepared to meet statutory obligation that is required for resolution of these matters.

Accordingly, juvenile cases, including motions for review in abuse and neglect matters, should be disposed at the earliest opportunity, including the first setting for hearing. Requests for continuances that are made after the first setting for hearing on the merits of the case shall only be granted for extraordinary cause.

### **4.1 Appropriate Court Official**

All applications for continuance shall be made to the District Court Judge presiding over the session of court for which the case is calendared. If the trial judge is not known at the time the request is made or is unavailable, the application should be addressed to the Chief District Court Judge or his or her designee.

### **4.2 Court Conflicts**

The various levels of court should work together to try to move cases as expeditiously as possible. Age of case, subject matter, and priority of setting should be given as much primacy as the level of court when resolving conflicts.

Attorneys shall notify the court and opposing counsel of any other court conflict(s) as they become known and shall keep the court advised of the resolution of that conflict. All judges shall communicate with other judges to resolve such conflicts. In resolving court conflicts juvenile cases shall take precedence over all other matters.

### **4.3 Documentation of Continuance**

All orders for continuance shall be documented in writing, and shall include the name of the moving party, any objections to the continuance, and the basis for the continuance.

### **4.4 Notification of Opposing Counsel/Unrepresented Parties/Witnesses**

All applications for continuance shall be made as soon as a conflict is identified, and all affected – opposing counsel, unrepresented parties, subpoenaed witnesses, or court staff charged with subpoenaing witnesses – shall be notified as soon as possible by the moving party.

#### **4.5 Objections to Motion for Continuance**

All parties should have an opportunity to be heard on a motion to continue.

#### **4.6 Evaluation of Motions for Continuance**

Factors to be considered by the appropriate court official when deciding whether to grant or deny a motion for continuance should include:

- the best interest for the child;
- the opportunity to exercise the right to effective assistance of counsel;
- the age of the case and the seriousness of the charge;
- the incarceration status of the juvenile
- the effect on children and spouses if the issue is continued and not resolved;
- the impact of a continuance on the safety of the parties or any other persons;
- the status of the trial calendar for the session;
- the number, moving party, and grounds for previous continuances;
- the due diligence of counsel in promptly filing a motion for continuance as soon as practicable and notifying opposing counsel and witnesses;
- whether the basis of the motion is the existence of a legitimate conflict with another court setting;
- the presence of witnesses, including the juvenile;
- the availability of witnesses for the present session, or for a future session;
- the availability of counsel;
- consideration of the financial consequences to the public, the parties, the attorneys, or witnesses if the case is continued; and
- any other factor that promotes the fair administration of justice.

#### **4.7 Case Rescheduling**

Upon granting a motion for continuance, the judge shall reschedule the case for a specified date, taking into consideration the availability of counsel, parties and witnesses.

#### **4.8 Time Standards**

All undisciplined juvenile cases should be disposed within 30 days of service of the petition. All delinquency cases involving misdemeanor offenses should be disposed within 90 days of service of the petition and those involving felony offenses within 120 days of service of the petition.

All adjudication of abuse and neglect cases should be within 60 days of service of the petition. All termination of parental rights cases should be disposed within 120 days after service of the petition.

A copy of this Order shall be kept on file by the Clerks of Superior Court in Cleveland and Lincoln Counties and shall be distributed to all practicing attorneys in the 27-B Judicial District.

This order shall become effective January 5, 1998 and shall apply to all motions for continuance made on or after said date.

This, the 27<sup>th</sup> day of October, 19 97.

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J. Keaton Fonvielle  
Chief District Court Judge